

MINUTES OF THE MEETING
LABOR AND EMPLOYMENT RELATIONS COMMITTEE
MONTANA STATE SENATE

February 3, 1987

The seventh meeting of the Labor and Employment Relations Committee was called to order by Chairman J.D. Lynch on February 3, 1987, at 1:00 p.m. in Room 325 of the State Capitol.

ROLL CALL: All members were present.

Senator Lynch turned the chair over to Vice-Chairman Thayer.

CONSIDERATION OF SENATE BILL 242: Senator J. D. Lynch, Senate District No. 34, stated this was requested by the Department of Labor and Industry. This bill would allow the Division of Workers' Compensation access to employers premises for the purpose of inspection. The Department of Labor and Industry will explain this is a necessary tool needed by the Department of Labor.

PROPOSERS: Mr. Bob Robinson, Administrator of Workers' Compensation Division, stated the Department of Labor, Workers' Compensation Division, supports this bill. Mr. Robinson explained this bill would clarify for firms insured by the state fund through Plan 3. It would provide access to the safety inspector. An inspection can be made if the firm is judged to be a high risk or high accident potential. This is stated in Section 1. There are instances when a firm has been having accident problems and it can be difficult for the investigator to gain access to the premises.

Mr. Jim Murry, representing the Montana State AFL-CIO, stated they support this bill.

OPPONENTS: None present.

QUESTIONS (OR DISCUSSION) ON SENATE BILL NO. 242: Senator Galt asked Mr. Robinson what is Plan 3. Mr. Robinson replied Plan 3 is the general classification for all employers who are insured by the state fund and this bill applies only to those firms.

Senator Lynch closed.

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Vice-Chairman Thayer closed the hearing on SB 242.

Vice-Chairman Thayer turned the chair over to Chairman Lynch.

CONSIDERATION OF SENATE BILL 154: Senator Keating, Senate District 44, sponsor of the bill, stated the bill is a repealer which will strike the statutory requirement that an occupied caboose be carried at the rear of any train longer than 2,000 feet. Senator Keating stated that Montana has been accused of having an anti-business climate, and this piece of legislation would change the image Montana projects from a anti-business climate to a pro-business climate. This would help reform the economic conditions of Montana. Senator Keating stated Montana is one of three states that require the caboose statutorily. The three states are Montana, Oregon and Virginia. (see Exhibit 1) Senator Keating feels this is going to be an emotional issue. He stated that previously he worked for the Northern Railroad. Senator Keating asked the committee to look at the important factors - the safety factor and the economic factor. He informed the committee of the conclusion of the Economic Research Department of the National Railway Labor Conference Research Report. "There were 4.91 per million train miles in 1984 and 3.82 per million train miles in 1985. The accident frequency in non-caboose operations was not significantly different from the frequency in trains running with cabooses." (See Exhibit 2) Senator Keating continued by stating the frequencies of casualties in non-caboose operations is lower and the severity of the accidents is dramatically less without cabooses. He continued that trains without cabooses have less severe accidents and fewer employee accidents, and accidents in general are approximately the same for caboose trains and non-caboose trains. These statistics were drawn from an experience factor of over 500 million train miles. Senator Keating stated the other factor is economics, and the additional cost of operating the railroads in the state of Montana with the requirement of a caboose amounts to \$6 million in unnecessary costs. Senator Keating stated there are letters from Montana customers (see Exhibit 3) explaining how much they use the railroad and how they could become more competitive if they did not have to pay for the additional expense of cabooses. Senator Keating informed the committee of another additional expense due to the caboose. Trains entering Montana have to stop at the border and add a caboose to their train and when leaving Montana, they have to stop and remove the caboose. This takes approximately 25 minutes. If a caboose is not available, the train must wait until one is available. Also, there is the additional

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expense for the caboose, such as maintenance and taxes. Senator Keating feels there will be testimony given to point out that accidents have been averted because a caboose has been on the train. Senator Keating pointed out that accidents do happen when there is a caboose on the train, and this information comes from 500 million train miles. Senator Keating reserved the right to close.

PROPOSERS: Mr. Pat Keim, representing the Burlington Northern Railroad, from Havre, Montana, stated the historical usefulness of the caboose has been outlived. Mr. Keim explained the old uses of the caboose. 1) a home away from home for the crew; 2) an office for the conductor; 3) a place where the brakeman could ride and from which he could go out and set the old-fashioned hand brake; and 4) a place where the train crew could observe the train and watch for defects or hazards along the route. Mr. Keim listed the reasons why the caboose is now considered obsolete. Today the train crews stay in hotels; the paperwork is no longer done in the caboose, it is done in yard offices and handled by computers; the old handbrakes have been replaced by automatic air brakes that are controlled by the engineer throughout the train; today electronic detectors are used because they are far more sensitive than the human eye or the human ear in detecting defects overlooked before. Mr. Keim discussed the caboose safety factor by stating the fact cabooses do not stop derailments, and cabooses do cause injuries. Mr. Keim stated the Federal Railroad Administration, charged with overseeing safety and regulations, has concluded the caboose is not necessary to the safe operation of the train and their regulations do not require cabooses. In 1982 the United Transportation Union acknowledged that cabooses were not needed in their collective bargaining agreement and they did agree to the phasing-out of cabooses. In return, the members of the union received pay raises and other benefit increases. In 1983 the Montana legislature was induced to intervene in this agreement by requiring the imposition of cabooses across the state of Montana. In 1985 the United Transportation Union reaffirmed the 1982 agreement by ratifying another agreement which provided for, and extended the scope of the caboose elimination and provided for more cabooses to be eliminated from railroad operation. Mr. Keim stated they are asking the state of Montana to allow the railroads to implement the provisions agreed to with the rail union in the 1982 and 1985 agreements.

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Mr. Keim feels some people think the cabooses guarantee employment, but the fact is the number of employees on trains is governed by separate union bargaining agreements, without regard to the presence of cabooses. The Burlington Northern Railroad will seek to get their train crew sizes in line with the competition. This has to be done to control cost and provide efficient service. Mr. Keim said the question of a caboose is whether cabooses are really required for the safe operation of trains, and if cabooses are worth the extra cost. Mr. Keim handed out the United Transportation Union agreement dated October 15, 1982 and the U.T.U. Mediation Agreement, Case A-11471, dated October 31, 1985. (See Exhibit 4). Mr. Keim stated there is a decreasing pool of available cabooses and there have been cases where the cabooses are not fit to operate, thus the train was delayed.

Mr. William R. Grimstad, representing Burlington Northern's Yellowstone Division, Billings, Montana, gave testimony in support of this bill. A copy of his testimony is attached as Exhibit 5. Mr. Grimstad stated they feel with the front and rear-end devise (FRED), a electronic monitoring device, there is no longer a need for both a conductor and a rear brakeman on the train. The electronic monitoring devices can determine a problem and relay the message to the crews by radio transmission. Mr. Grimstad also distributed information on the caboose (see Exhibit 6) and a caboose research report (see Exhibit 7).

Mr. John Greene, representing Montana Western Railway, which operates between Butte and Garrison, gave testimony in support of this bill. A copy of his testimony is attached as Exhibit 8.

Mr. Alan Eck, representing the Montana Farm Bureau Federation gave testimony in support of this bill. A copy of his testimony is attached as Exhibit 9.

Ms. Kay Foster, representing the Billings, Montana Chamber of Commerce rose in support of this bill.

Mr. Richard Hitchcock, representing Central Montana Rail, which runs between Geraldine and Denton, rose in support of this bill. Mr. Hitchcock stated one of the main points for saving the caboose is to save jobs, and an industry that puts the preservation of jobs before competitiveness will soon have neither production or jobs.

Mr. Dave Bisch, representing RARUS Railway, Anaconda, Montana, rose in support of this bill. He stated for each

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day of operation they lose one hour per day with a three man crew due to adding the caboose or removing the caboose. This adds up to approximately \$6,000 to \$8,000 a year. Mr. Bisch feels to retain the railway industry, Montana has to remain competitive.

Mr. Martin W. Dippold, representing Comimco American Inc., located in Garrison, Montana, gave testimony in support of this bill. A copy of his testimony is attached as Exhibit 10.

Mr. Tim Baker, representing the Montana Public Service, rose neither as an opponent or a proponent. Mr. Baker will be available to answer any questions.

OPPONENTS: Mr. Robert Vandervere, representing himself, rose in opposition of this bill. Mr. Vandervere asked the question what would happen if "FRED", Burlington Northern Railroad's front and rear-end device, blacked out. Mr. Vandervere asked how long it would take an engineer to get to the back of his train due to a derailment, as some of the trains are over a mile long. Mr. Vandervere urged the committee to oppose this bill.

Mr. Joe Brand, representing the United Transportation Union and the Maintenance of Way Employees, and the Brotherhood of Locomotive Engineers, gave testimony in opposition to this bill. A copy of his testimony is attached as Exhibit 11 and Exhibit 12.

Mr. John Hoyt from Great Falls, Montana, rose in opposition to this bill. Mr. Hoyt stated the farmers of this state cannot get their grain shipped due to lack of available train cars. The railroad has said they will rectify this problem; however, nothing has been done. Mr. Hoyt feels a good business climate is a two way street and the Burlington Northern Railroad should give the state of Montana the same business considerations as Montana gives to the Burlington Northern Railroad. Mr. Hoyt stated the rearend crew are required to use all of their senses to keep on top of the happenings of their train and this has helped eliminate many accidents. He stated that the research concerning less accidents without cabooses may have been accurate, however, it does not mention the conditions which the train was operated under. Mr. Hoyt suggests further research is needed concerning the effectiveness of "FRED".

Mr. Kraig Hansen, representing the Harlem Volunteer Fire Department, gave testimony in opposition to this bill. A copy of his testimony is attached as Exhibit 13.

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Mr. Kim Hansen, representing the Harlem Volunteer Fire Department stated the ambulance crew in Harlem opposes this bill. Mr. Hansen is also an Emergency Medical Technician. He listed the reasons they oppose this bill. 1) Safety factors; 2) The time factor because time is very important to an EMT team and their patients. He urged the committee to oppose this bill.

Mr. Lee Torgrimson, representing himself, gave testimony in opposition to this bill. A copy of his testimony is attached as Exhibit 14.

Mr. Francis G. Marceau, representing the United Transportation Union Local 978 of Missoula, Montana, gave testimony in opposition to this bill. A copy of his testimony is attached as Exhibit 15.

Mr. Terrence D. Carmody, representing the Montana Farmers Union, gave testimony in opposition to this bill. A copy of his testimony is attached as Exhibit 16.

Mr. Bob Stephens, representing the Montana Grain Growers Association, rose in opposition of this bill. Mr. Stephens stated the safety factor and better business management from Burlington Northern Railroad should be considered before SB 154 is considered.

Mr. Vern Erickson, representing the Montana State Firemen's Association, gave testimony in opposition to this bill. A copy of his testimony is attached as Exhibit 17.

Mr. George Ochensky, representing the Montana Environmental Information Center, stated Montana could see over 300 trains per year carrying nuclear waste. Mr. Ochensky feels it is the responsibility of the people to see that there are safety factors on these trains and that includes a crewman in the caboose.

Mr. Art Korn, representing a Butte Fire Department, stated the crews in a caboose have helped detect fires in his area. He urged the committee to oppose this bill.

Mr. Mike Mattox, representing the Union Pacific Railroad from Dillon, Montana, rose in opposition of this bill. Mr. Mattox stated caboose crew members have often been instrumental in detecting fires in this area. He urged the committee to oppose this bill.

Mr. Mack L. Glover, a retired locomotive engineer, gave testimony in opposition to this bill. A copy of his testimony is attached as Exhibit 18.

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Mr. Vince VanAken, a retired conductor from Livingston, Montana, rose in opposition to this bill. He feels this bill would result in some dangerous factors to the crews and the public.

Mr. James Mular, representing the Brotherhood of Railway and Airline Clerks, gave testimony in opposition to this bill. A copy of his testimony is attached as Exhibit 19.

Mr. Calvin L. Burr, Jr., representing the Brotherhood of Locomotive Engineers Legislative Board, gave testimony in opposition to this bill. A copy of his testimony is attached as Exhibit 20.

Mr. Robert Walker, a locomotive engineer from Whitefish, Montana, gave testimony in opposition to this bill. A copy of his testimony is attached as Exhibit 21.

Mr. Morris Gullickson, representing the United Transportation Union, gave testimony in opposition to this bill. A copy of his testimony is attached as Exhibit 22.

Mr. Roger Wagner, a conductor for the Burlington Northern Railroad, gave testimony in opposition to this bill. A copy of his testimony is attached as Exhibit 23.

Mr. John H. Garlitz, representing Bookworks from Whitefish, Montana, rose in opposition of this bill. Mr. Garlitz stated SB 154 will contribute to the elimination of 25% of the train service employees in Montana. He asked the question of how can we justify giving up any more of the tax base in Montana with the economy as it is now.

Mr. Raymond West, a conductor for Burlington Northern Railroad, gave testimony in opposition to this bill. A copy of his testimony is attached as Exhibit 24.

Mr. Frank I. Poucher, Sr., a retired conductor, gave testimony in opposition to this bill. A copy of his testimony is attached as Exhibit 25.

Mr. Jim Murry, representing the Montana State AFL-CIO, gave testimony in opposition to this bill. A copy of his testimony is attached as Exhibit 26.

QUESTIONS (OR DISCUSSION) ON SENATE BILL NO. 154:

Senator Thayer asked Mr. Grimstad if there were instances where a train is delayed due to the caboose law. Mr. Grimstad replied yes, there have been instances where a train is ready to go, but there is no caboose available.

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Senator Thayer asked Mr. Grimstad if this passed, would there still be instances where a caboose is used. Mr. Grimstad replied there would be certain situations where a caboose would be used. North Dakota does not have a caboose law, but in certain locales the caboose is still used because of the nature of the switching.

Senator Keating asked Mr. Keim if there is a reason why the crew members riding in the front cars cannot see the fires or whatever disturbances the caboose crew would see or detect. Mr. Keim replied the crew on the front of the train are required to look back on the distance of their train. Mr. Keim stated the head-end crew cannot see the entire distance of their train, but they do look back and can spot many of the problems that occur.

Senator Thayer asked Mr. Keim to describe the Chinook derailment. Mr. Keim replied he investigated this accident and had there not been a conductor in a caboose, that conductor would not have been crushed to death when the cars derailed.

Senator Gage asked about the make-up of the membership of the National Railway Labor Conference. Mr. Keim replied the National Railway Labor Conference is made up in part of the representatives in the Labor Departments of the various railroads and other interested organizations in the country.

Senator Keating closed by stating many issues were brought up that do not relate to this subject; however, they need a response. 1. "FRED" is a battery operated machine attached to the rear of the train. It weighs 33 pounds, is easily installed and is tested frequently. "FRED" should not black out. 2. If "FRED" detects a problem, the engineer receives this information immediately because of the computer contact. There is room for human error, just like there is room for mechanical error. 3. Railroad rates have come down in the past few years and in 1981 the railroad was shipping about 35% of the grain out of the state and in 1987 they are shipping approximately 80% of the grain in Montana. 4. The railroads have competitive rates. 5. Trains carrying hazardous materials are adequately marked and there is always the chance that an accident will occur. 6. The railroads have provided competitive rates, thus providing a "good neighbor" atmosphere in Montana. 7. Why would Mr. Hoyt take issue with the safety factor because the statistics indicate a marked reduction of injuries to on-duty train crews when cabooses are limited. The severity of the injury is largely reduced without cabooses and the ratio is almost 3 to 1. 8. The research

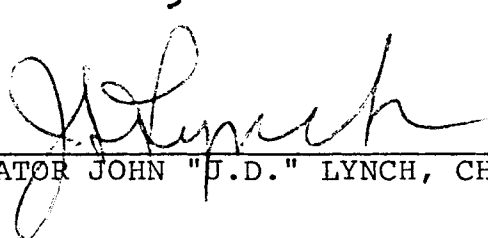
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presented would indicate the safety factor with cabooses is not a fact, but without cabooses there are less severe injuries, less numerous injuries. 9. There are only three states with this law and recently seven or eight states rejected a caboose law. 10. There are many other train crewmen in other states who have traded the caboose for economic factors in their collective bargaining issue. These crewmen feel the benefits they have received outweigh the factor of the caboose. Senator Keating asked the committee to carefully consider all the factors presented today. He also stated this bill would not eliminate jobs and the matter of a caboose being on a train or off a train will be decided through the collective bargaining process.

ADJOURNMENT: There being no further business to come before this committee, the hearing adjourned at 3:02 p.m.



SENATOR JOHN "J.D." LYNCH, CHAIRMAN

jr

ROLL CALL

LABOR AND EMPLOYMENT RELATIONS COMMITTEE

50th LEGISLATIVE SESSION -- 1987

Date Feb. 3, 1987

NAME	PRESENT	ABSENT	EXCUSED
John "J.D." Lynch Chairman	X		
Gene Thayer Vice Chairman	X		
Richard Manning	X		
Thomas Keating	X		
Chet Blaylock	X		
Delwyn Gage	X		
Jack Haffey	X		
Jack Galt	X		

Each day attach to minutes.

DATE Feb. 3, 1987

COMMITTEE ON Labor

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One	
			Support	Oppose
Roger F. Stagner	U.T.U.	154		X
John H. Gerlach	Book work + UTA	154		X
Kraig Hansen	Harlem Vol. Fire Dept.	154		X
Mark L. Howe	Haver MA	154		X
Jim G. Elliott	Dana MA	154		X
Chet Wham	DLE Wares MA	154		X
Jim Greene	Mark Butte	154	X	
John M. Quinn	Pacific Recorder	154		
Martin D. Spald	Commer American	154	X	
Kay Foster	Billings Chamber of Commerce	154	X	
W. J. Matut	UTA	154		X
Tim Baker	PSC	154		X
Curt Wilson	Great Falls, MA	154		X
Carol Meeker	McLottel Homes ^{not Sleight}	5B242		X
Silak ETC/ME		154	X	
Bob Stephens	Montana Grain Growers ^{assn}	154		X
Rolt Van Dusen	Self	154		X
Leo Ochenski	MT. EXH. INF. CNTR	154		X
Jerry Caymids	Mont Farmer hl	154		X
Robert C. Belmont	self BA Engineer	154		X

(Please leave prepared statement with Secretary)

COMMITTEE ON

DATE Feb. 3, 1987
Lamar SB 242 & SB 154

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One	
			Support	Oppose
Mrs Keating	Bellevue, MT			✓
STEVE WICKHAM	LIVINGSTON MT		✓	
Ray M Olson	Livingston MT		✓	
Jody McCloud	Livingston MT			✓
Terry Solberg	Helena MT			✓
Walt Allen	Helena MT			✓
Brent Noel	Livingston MT			✓
A. J. Canavan	Coal. Falls			
SP Defect	C FALLS			
For Roberts	Attorney General's			
Maurice Stott	DOC			
Margaret Bergman	Livingston			
Lajcha Clayton	Livingston, MT			
Don Adams	Livingston MT			
Diana-Marie Saurpau	Livingston MT			✓
David Jimmy	Dillon, MT			✓
Cate Campbell				
PL Foygo				
WUSS	Not MT			
EARLY MAHLUM	GREAT FALLS MT			
Curt Wilson	Coat. Falls, Mt.	154		✓
Tom McGree	MT Bell			
Bryan M Enderle	Missoula Chamber of Commerce			
Art WITICH	MPC			
Don Judge	MT STATE AFL-CIO			154
Robert E. Treiner	Union 0978-MSA	154	✓	

(Please leave prepared statement with Secretary)

DATE

Feb. 3, 1987

COMMITTEE ON

Labor

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One	
			Support	Oppo
MORRIS W. GULLICKSON	UNITED TRANSPORTATION UNION	154		X
MICHAEL McNAMARA	UNITED TRANSPORTATION	154		X
GARY M. BLAKEY	U.T.U.	154		X
U T Van Ahe	UTU	154		X
R W Platt	UTU 486 Forsyth	154		X
R. Madsen	UTU 1870 Glasgow	154		X
Alexa Van Ahe	UTU auct	154		X
J. M. Moseley	UTU Local 978	154		X
LEE TORHEIMSON	SECF of MONTANA	154		X
Mark P. Flanigan	U.T.U # 685	154		X
WILLIAM R. GURINSTEAD	Burlington Northern RR	154	X	
S. M. Laughlin	B. N. R. Ry. Co.	154	X	
D. J. Boen	BUREAU HAVER MT		X	
Pat Van	BUREAU HAVER MT	154	X	
Doc Engellart	Central Mt Rail	154	X	
Reg Jerry Driscoll	Dist 92			X
Uerd Eickson	MT State Museum Assoc	154		
Jerry Melon	GRAC			X
Calvin K. Burr J.	BLE	154		X
Frank I. Fowler		154		X
Raymond R West	UTU	154		X
Robert E. Walker	UTU	154		X
Alan Eck	Montana Farm Bureau	154	X	
Joe France	UTU	154		X
Stuart Doggett	MT Chamber of Commerce	154	X	
ART KOHN		154		X

DATE Feb. 3, 1987

COMMITTEE ON Labor

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One	
			Support	Oppose
LARRY CRINDE	MUNICIPAL			
Gene Vukovich	Ironworkers #841	154		X
Jim Murray	Mont. AF of L	154		X
John Murray	Mont. AF of L	SB 242	X	

(Please leave prepared statement with Secretary)

DATE Feb. 3, 1987

COMMITTEE ON La. Law

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One	
			Support	Opp
CJ Kintson	BMW			<input checked="" type="checkbox"/>

(Please leave prepared statement with Secretary)

NAME: Pat Klein DATE: 2-3-87

ADDRESS: 25 Airport Rd., Haver, MT 59501

PHONE: 265-1141

REPRESENTING WHOM? B.N. RR.

APPEARING ON WHICH PROPOSAL: Alcohol Repeal

DO YOU: SUPPORT? AMEND? OPPOSE?

COMMENTS: Have Presentation

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: William R Grimstad DATE: 2-3-87

ADDRESS: 3423 Powderhorn Circle Billings

PHONE: 652-6789

REPRESENTING WHOM? BNRR

APPEARING ON WHICH PROPOSAL: 154

DO YOU: SUPPORT? AMEND? OPPOSE?

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Alan Eck DATE: 2-3-87

ADDRESS: P.O. Box 6400 Bozeman, MT

PHONE: 587-3153

REPRESENTING WHOM? MT. Farm Bureau

APPEARING ON WHICH PROPOSAL: SB-154

DO YOU: SUPPORT? AMEND? OPPOSE?

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Kay Foster DATE: 2/3/87

ADDRESS: 1833 Iris Billings

PHONE: 245-5801

REPRESENTING WHOM? Billings Chamber

APPEARING ON WHICH PROPOSAL: SB154

DO YOU: SUPPORT? AMEND? OPPOSE?

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Richard Hitchcock DATE: 2-3-87

ADDRESS: Denton, MT

PHONE: 567-2923

REPRESENTING WHOM? Central Montana Rail

APPEARING ON WHICH PROPOSAL: SB 154

DO YOU: SUPPORT? AMEND? OPPOSE?

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: DAVE BISCH DATE: 2/3/87

ADDRESS: 2010 W PARK, ANNECAUND MT

PHONE: 406 563 5691

REPRESENTING WHOM? TRAVIS IZY

APPEARING ON WHICH PROPOSAL: _____

DO YOU: SUPPORT? AMEND? _____ OPPOSE? _____

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Tim Baker DATE: 2/3/87

ADDRESS: Publ. Serv. Comm'n

PHONE: 444-6178

REPRESENTING WHOM? PSC

APPEARING ON WHICH PROPOSAL: SB 154

DO YOU: SUPPORT? AMEND? OPPOSE?

COMMENTS: PSC neither opposes nor supports this
Bill. Committee should be aware that these
sections of the law contain additional safety
requirements beyond those concerning the caboose
as a rear car. Many are regulated by the
Federal Railroad Administration — some are still
regulated by the PSC.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

John C Hoyt - Post Hall 7-3-87

NAME: Joe Brand DATE: 2-3-87

ADDRESS: 812 Saddle Drive Helena

PHONE: 443-5307

REPRESENTING WHOM? LITU

APPEARING ON WHICH PROPOSAL: _____

DO YOU: SUPPORT? _____ AMEND? _____ OPPOSE? X

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Kraig Hansen DATE: 2-3-87

ADDRESS: Box 978 Harlem Mt.

PHONE: 353-2974

REPRESENTING WHOM? Harlem Fire Dept.

APPEARING ON WHICH PROPOSAL: S.B. 154

DO YOU: SUPPORT? _____ AMEND? _____ OPPOSE? X

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: KIM HANSEN DATE: 2-3-87

ADDRESS: HARLEM

PHONE: 353-4941

REPRESENTING WHOM? HARLEM AMBULANCE

APPEARING ON WHICH PROPOSAL: SB. 154

DO YOU: SUPPORT? AMEND? OPPOSE?

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: LEE TORGRIMSON DATE: 2-3-87

ADDRESS: 9450 SINGLETREE Ln. MISSOURI

PHONE: 251-3419

REPRESENTING WHOM? SELF + MONTANA

APPEARING ON WHICH PROPOSAL: SB 154

DO YOU: SUPPORT? AMEND? OPPOSE?

COMMENTS: HAVE A PREPARED TESTIMON PRESENTED
TO ALL MEMBERS.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Francis C. Marceau DATE: 2-3-87

ADDRESS: 1817 Khanabad Dr. M5/a

PHONE: 549-9068

REPRESENTING WHOM? UTU Local 978

APPEARING ON WHICH PROPOSAL: S.B. 154

DO YOU: SUPPORT? AMEND? OPPOSE?

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: MIKE MATTOX DATE: 2-3-87

ADDRESS: 205 LEGGET DILLON

PHONE: 683-2620

REPRESENTING WHOM? SELF

APPEARING ON WHICH PROPOSAL: SB154

DO YOU: SUPPORT? _____ AMEND? _____ OPPOSE? _____

COMMENTS: OPPOSE ANY AMMENDMENTS to
THE CABOOSE LAW

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: V. V. Van der ... DATE: 2-7-86

ADDRESS: 220 N. Mountain ...

PHONE: 222-3461

REPRESENTING WHOM? U7 @

APPEARING ON WHICH PROPOSAL: SB 154

DO YOU: SUPPORT? AMEND? OPPOSE? yes

COMMENTS: appos. moving ...

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: CALVIN L. BURR JR DATE: _____

ADDRESS: 509 7th ave North. Haver, Nc

PHONE: 406-265-4903

REPRESENTING WHOM? Brotherhood of Locomotive Engineers

APPEARING ON WHICH PROPOSAL: 154

DO YOU: SUPPORT? _____ AMEND? _____ OPPOSE? _____

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: JOHN H. KARKITZ DATE: 2-3-86

ADDRESS: 655 HASKILL BASIN WHITEFISH

PHONE: 967-2992- (967-4990)

REPRESENTING WHOM? BOOKWORKS UTA

APPEARING ON WHICH PROPOSAL: SB 154

DO YOU: SUPPORT? _____ AMEND? _____ OPPOSE? X

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Raymond R West DATE: 2-2-87

ADDRESS: 1245 12th Street

PHONE: 265-6910

REPRESENTING WHOM? United Transportation Union

APPEARING ON WHICH PROPOSAL: Opponent

DO YOU: SUPPORT? _____ AMEND? _____ OPPOSE? Yes

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Frank Poucher DATE: 2-3-87

ADDRESS: 402 East Clark East Helena Mont

PHONE: 227-6259

REPRESENTING WHOM? B. B. N. Veterans Assn

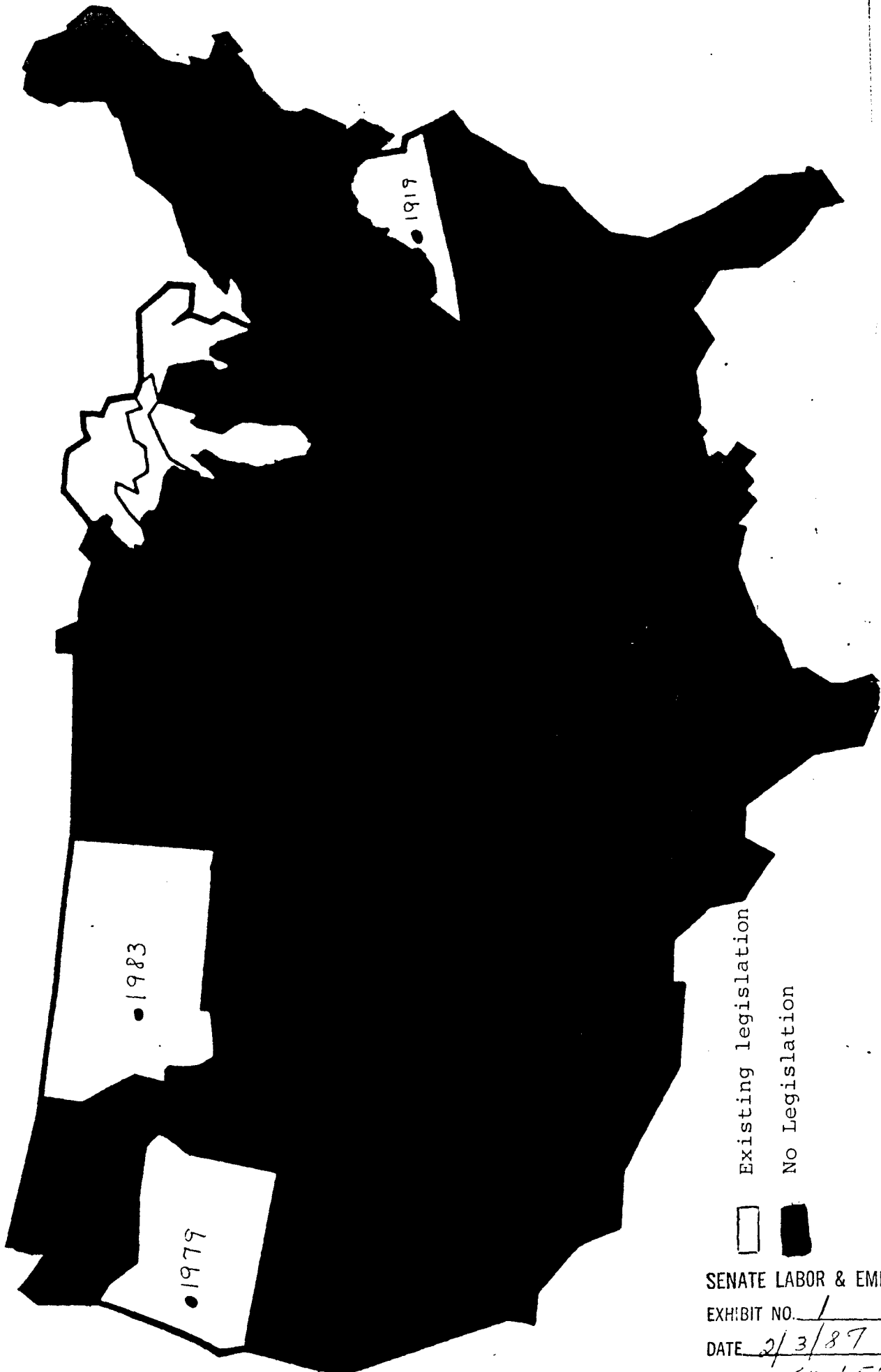
APPEARING ON WHICH PROPOSAL: Senate Bill 154

DO YOU: SUPPORT? AMEND? OPPOSE?

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

MANDATORY CABOOSE LEGISLATION - 1986



Existing legislation
No Legislation



SENATE LABOR & EMPLOYMENT

EXHIBIT NO. 1

DATE 2/3/87

BILL NO. SR 154

M.F.

RESEARCH REPORT

THE CABOOSE AS AN INFLUENCE
ON THE SAFETY OF TRAIN OPERATIONS
IN THROUGH FREIGHT SERVICE
IN THE UNITED STATES

January 1984 through December 1985

October 3, 1986

ECONOMIC RESEARCH DEPARTMENT

NATIONAL RAILWAY LABOR CONFERENCE

1901 L STREET, N.W., WASHINGTON D.C. 20036 (202) 862-7200

SENATE LABOR & EMPLOYMENT

EXHIBIT NO. 2

DATE 2/3/87

FILE NO. 3B 154

IV. CONCLUSION

An examination of the records of rail equipment accidents and train crew casualties in through freight service over a two-year period produces sufficient data to throw some light on a long debated question.

During this period over 450 million train miles were run in through freight. Extensive use of the non-caboose configuration began in 1984, with less than 8 percent of the train miles run as non-caboose. In 1985, nearly twenty percent of the train miles were run without a caboose. In 1985, seventy-nine percent of all non-caboose operations were in through freight service.

Even with a substantial increase in the percentage of non-caboose operations between 1984 and 1985, there was no significant change in the frequency of rail equipment accidents - 4.91 per million train miles in 1984 and 3.82 in 1985. Further, the accident frequency in non-caboose operations was not significantly different from the frequency in trains running with cabooses - 5.04 to 4.90 in 1984; 3.86 to 3.81 in 1985 and 4.17 to 4.37 for the total period.

No significant change in safety is seen in the accident severity rates. It declined from \$ 484.5 per million train miles in 1984 to \$ 366.7 in 1985. The severity rate for non-caboose operations was lower than for caboose operations in both years - \$ 296.0 to 499.5 in 1984 and \$ 340.8 to \$ 372.9 in 1985.

The study results indicate that the caboose contribution to the prevention of rail equipment accidents is so small that its influence cannot be detected in the overall accident experience. At the very least, these results

SENATE LABOR & EMPLOYMENT

EXHIBIT NO. 2

DATE 2/3/87

BILL NO. SB 154

are clearly inconsistent with the expectations of those who argue that the removal of the caboose will result in the substantial deterioration of rail safety.

The picture portrayed by the data on employee casualties needs little comment. The frequency of casualties in non-caboose operations is lower by a clear margin; severity rates are down dramatically. Since concern for the welfare of employees is a valid consideration in the caboose debate, the evidence on this point argues strongly in favor of the non-caboose configuration.

In summary, the removal of the caboose in the operations studied shows no indication of an increase in rail equipment accident frequency or severity and a beneficial effect on employee safety.

NRLC Research Department
October 3, 1986

SENATE LABOR & EMPLOYMENT
EXHIBIT NO. 2
DATE 2/3/87
BILL NO. SB 154

BN WHEAT RATES

•Montanans frequently cite the disparity in rates for shipments to the Pacific Northwest (PNW) originating from Montana and Nebraska. The conventional wisdom neglects the following points:

- MT rail rates, on the average are nearly 20% lower than they were in 1980
- in 1979, more than half of Montana's grain left the state by truck; with today's rail rates more than 85% leaves by rail
- While Nebraska per mile costs are lower the much greater distance results in a greater cost to Nebraska shippers
- of the grain delivered to PNW ports on BN, historically about 80% is from MT, while 3% is from NE

BN RATES TO PACIFIC NORTHWEST PORTS
(¢/cwt)

	52 Car Rates as of <u>12-1-80</u>	52 Car Rates eff. <u>10-86</u>
Plentywood	168	140
Miles City	165	140
Bozeman	115	106
Great Falls	111	102
Kalispell	99	84
Alliance, NE	-	164
Imperial, NE	-	166

•BN rates from Montana to the state's coal customers are substantially lower today. Greater operating efficiencies have also led to much lower rates and increased market penetration for Montana forest products and aluminum.

S. STATE L. CO. & EMP. OYMENT
EXHIBIT NO. 2
DATE 2/3/27
BILL NO. SB 154

THE OUTMODED CABOOSE

Only Montana and two other states require cabooses by law. Montana's law was passed in 1983 soon after railroad unions and management agreed in national negotiations to phase out cabooses. Because of concerns over job losses and train safety, Montana adopted a coooose law even though rail labor and management considered both issues in their negotiated phase-out of cabooses.

Today, technologically advanced devices provide a greater measure of safety for train operations and have eliminated the need for cabooses. Further, the coooose is a costly inefficiency which today's rail customers cannot afford in intensely competitive markets.

An exhaustive study indicates that cabooses do not lead to safer train operations. Further, repeal of the coooose law will not effect the number of employees who operate a train as that number is a matter of negotiation between rail labor and management.

SENATE LABOR & EMPLOYMENT
EXHIBIT NO. 2
DATE 2/3/87
BILL NO. SB 154

QUESTIONS AND ANSWERS ABOUT CABOOSES

1. **WHY HAVE TRAINS HAD CABOOSES?**

In the early days of railroading, brakemen were required to ride cabooses to apply hand brakes at the rear of the train. A whistle signal from the engineer sent brakemen scrambling along the tops of cars to apply or release the hand brakes. Even after the invention of air brakes in 1872 made setting brakes by hand unnecessary, some jobs such as flagging were best accomplished by a man in a caboose. But, modern signal systems and other improvements have eliminated such tasks. Today's safety rules forbid workers to climb on the tops of cars. The caboose also served as a home away from home, a function now provided by the motel or hotel.

2. **WHAT JOBS ON TODAY'S RAILROAD REQUIRE THE USE OF A CABOOSE?**

There are few jobs on a modern train that cannot be done as well or better by a brakeman riding in the locomotive. For example, when it is necessary to manually operate switches in train yards or industrial sidings, it is done by the trainman assigned to the locomotive. He/she can communicate with the engineer by means of a portable radio or traditional railroad hand signals.

3. **DOES AN ENGINEER NEED A TRAINMAN AT THE END OF THE TRAIN?**

No. Effective visibility in the caboose is limited on today's long trains and by the fact that the relatively few failures of roller bearings on wheels produce little visible evidence. Terrain and darkness are further limiting factors.

A new electronic "end-of-train" monitoring system is being attached to trains without cabooses to help achieve operating safety. This monitoring device fits over the coupler of the last car and a telemetry system radios vital information to the lead locomotive for display on a panel unit. The engineer receives information about rear train movement, brake pressure and distance moved.

4. **ARE CABOOSES EVER NEEDED?**

Yes. A caboose may be necessary in limited situations such as rear-end switching where it is more functional to have a person at the end of the train to throw the switches.

5. **ARE CABOOSES NEEDED TO OPERATE TRAINS SAFELY?**

No. The Interstate Commerce Commission's Office of Policy and Analysis has stated that cabooses can be removed from most trains without effecting safety. According to the ICC, "All the functions once served by the caboose have either been made obsolete by the new technology or can be adequately served without the caboose."

SENATE LABOR & EMPLOYMENT
E.H. NO. 2
DATE 2/3/87
BILL NO. SB 1561

The trainman in the caboose is no longer needed to observe the train for defects. This can be done better by the "end-of-train" monitoring system and by sophisticated machines called wayside detectors. These machines monitor such things as dragging equipment and overheated wheel hubs. This information is continuously monitored so an engineer can be warned of defects. These devices are equally effective at all times of the day and in all kinds of weather.

The National Railway Labor Conference (NRLC), is conducting a continuous study of safety performance of caboosed and cabooseless trains. The latest NRLC report shows no statistically significant difference in the train accident rate between cabooseless and caboosed trains (4.17 vs 4.37 per million train miles respectively). In terms of train accidents, cabooseless operations are as safe as caboosed trains.

However, the latest report shows the injury rate on trains with cabooses is 38% higher than on cabooseless trains. The severity of personal injuries in cabooseless operations is only 54% of the caboose rate. So, trains operating without cabooses reduce the frequency and severity of personal injuries to employees.

6. IF CABOOSES ARE ELIMINATED, WHAT HAPPENS TO THE EMPLOYEES?

The employees who currently work in the cabooses will be moved into the locomotive and perform many of the same duties they do now. The size of train crews, like the issue of the use of cabooses, is covered by collective bargaining agreements. In two successive national agreements (the latest signed in 1985), the United Transportation Union (UTU) agreed to the gradual elimination of cabooses. To the extent that business can be gained because of more efficient operations, rail industry employment is more assured.

7. HOW MUCH DO CABOOSES COST IN MONTANA?

New cabooses cost approximately \$80,000. They also add almost 25 tons of unneeded weight to a train. In comparison, the telemetry devices cost about \$4,500 each and weigh only about 35 pounds. Maintenance and repair costs plus the expense of handling cabooses add close to \$5.7 million in unnecessary costs in Montana each year.

8. WHO ULTIMATELY PAYS THESE COSTS?

To the extent competition will allow, Montana rail shippers and their customers eventually pay for the extra, unnecessary costs of operating cabooses.

SENATE LABOR & EMPLOYMENT
DATE 2/3/37
BILL NO. SB 154

Opinion and comment

Caboose a relic of days gone by

Many legislators are talking about the need to send some positive signals to business to encourage more business interest in Montana.

One of the simplest ways to do this would be to get the state out of the caboose business.

Montana is one of three states that require trains to have cabooses, preserving, by law, a costly and obsolete relic of railroading's past. Only Virginia and Oregon still insist that trains within their borders have cabooses.

Montana's caboose law, according to Burlington Northern official John Etchart of Helena, costs BN nearly \$6 million a year, exclusive of labor costs. One reason is that trains entering and leaving Montana can't just stop at the state line and hitch or unhitch a caboose. On a run from Minneapolis to Seattle, Etchart says, the "Montana" caboose must be coupled to the train in Bismarck. It can't be taken off until Spokane, meaning that the Montana law forces trains on this run to haul a caboose through four states.

In 1982 and 1985, the United Transportation Union and the rail industry signed a national collective bargaining agreement calling for a phaseout of cabooses. But, says Etchart, other unions lobbied legislatures to cancel the agreement with state laws mandating cabooses. They were successful in Montana.

The collective bargaining agreement was reached, Etchart said, because of a recognition that cabooses are no longer essential to safe train operation. And, a two-year study by the National Railway Labor Conference found that trains without cabooses had an accident rate not much different than trains with cabooses.

Furthermore, the frequency of crew injuries was found to be sig-

nificantly higher in trains with cabooses than in trains without cabooses. A caboose, it appears, is not a safe car to be in during an accident.

Instead of cabooses, most trains rely on compact electronic sensors to send safety information to a display panel in the locomotive.

The other argument against eliminating cabooses is that jobs might be lost along with the cabooses.

Initially, that wouldn't be the case. Train crew size is fixed by collective bargaining. However, it is possible that removal of cabooses from Montana trains would make the question of smaller crews a negotiation point eventually. Mandating cabooses, however, is a costly way to preserve jobs that may not be needed, and is needlessly aggravating to one of Montana's remaining large businesses.

Montana, Etchart notes, is a long way from national markets. Some industries operating in Montana, he speculates, operate very close to the margin.

Somebody, Etchart points out, has to pay the \$6 million it costs BN to comply with the state's caboose law.

Those "somebodies" generally are BN's customers, who are numerous in Montana.

There is a hearing in Helena Tuesday on Senate Bill 154, which would repeal the caboose law.

SB 154 is short and sweet, and as sensible as long johns in winter. Basically, it just says that trains in Montana shall no longer be required to haul 25 tons of obsolete caboose.

By passing this simple piece of legislation, the lawmakers could send a strong signal that they're willing to take responsible steps to help business in Montana.

SENATE LABOR & EMPLOYMENT

EXHIBIT NO. 2

DATE 2/3/87

BILL NO. SB 154

GAZETTE OPINION

Caboose law at end of line

Time to switch it off

Burlington Northern is not the most popular business in Montana. It isn't even in second place.

But that's no reason to saddle the giant with antiquated laws.

There are two particularly onerous sections in current Montana statutes.

1. All trains in Montana must have cabooses.
2. Resident agents are required in all county seats and towns of more than 1,000 residents served by the railroad.

Both laws are obsolete.

BN Vice President William W. Francis told legislators in Missoula last fall that cabooses came into use when trains typically had 40 cars.

Modern trains are so long that a caboose does not offer sufficient visibility. New, automatic equipment provides better surveillance, Francis said.

At that same meeting, Joe Brand, state director of the United Transportation Union, defended the requirement of cabooses on long trains. He said they prevent accidents and help spot problems that automatic monitoring equipment would overlook.

"There are many things seen by the human eye that devices do not pick up," he said. "I don't know what the problem is. They (BN) are on a big binge to amend the law."

The problem is considerable.

Using cabooses in Montana costs BN about \$6 million annually, and as the recent wreck on the bridge nine miles west of Columbus indicates, the cabooses are no guarantee of safety.

Only Oregon and Virginia have caboose laws similar to Montana's. It's time to make that requirement a quaint piece of the state's history.

The agency law is equally irksome.

Montana law requires BN to maintain 66 agents in the state. North Dakota, by comparison, has only two. Some of these Montana offices do virtually no business.

Pat Keim, superintendent for the Havre division of BN, said agents once handled all customer-related functions for the railroad, including ticket sales, freight car orders, billing, telegraph and delivery of small shipments.

Now they are mainly middle-men between customers and centralized offices, he said, and maintaining the agency rule costs BN about \$2.5 million a year more than it should. Four agents — stationed in Laurel, Glendive, Missoula and Whitefish — could easily handle the work, Keim said.

A recent poll of the legislators in Helena indicated that the majority is amenable to taking the caboose and agency laws off the state's books.

That is good news.

New businesses are chary about entering a state that permits this kind of nonsense. The Legislature should dispatch these two statutes and get on to more important work.

The Billings Gazette
Wed., Jan. 21, 1987

SENATE LABOR & EMPLOYMENT
EXHIBIT NO. 84 2
DATE 2/3/87
BILL NO. SB 154

Drawer D
Missoula, Montana 59406
406 726 4451

Daniel T. Potts
General Manager
Missoula, MT

98



Stone Container Corporation

January 29, 1987

Senator Tom Keating
Capitol Station
Helena, MT 59620

Dear Senator Keating:

The Stone Container Corporation ships about 40 rail cars per day of linerboard to midwest and southwest U.S. destinations. We compete with other linerboard mills in the west and southwest. Freight cost is a significant part of the total delivered cost of our product and lower freight cost will help improve the job security of the 730 people who are employed at our facility and improve our ability to grow and prosper in Montana. Senate Bill 154 will eliminate the requirement that trains in Montana have cabooses and will reduce railroad operating costs. Lower costs will improve the ability of the railroads to compete with other modes of transportation and potentially reduce freight costs. We believe Montana needs to help its industry by helping railroads reduce their operating costs and that passage of Senate Bill 154 is appropriate.

Thank you for your interest.

Daniel T. Potts
General Manager

DTP:plg

c: Senator William E. Farrell
Senator Jack Haffey
Senator Mike Halligan
Senator George McCollum
Senator Bill Norman
Senator Dick Pinsonault
Senator Fred Van Valkenburg

Representative Ralph S. Eudaily
Representative Harry Fritz
Representative R. Budd Gould
Representative Stella Jean Hansen
Representative Mike Kadas
Representative Earl C. Lory
Representative Janet Moore
Representative Bob Ream
Representative Barry Stang
Representative Carolyn Squires
Representative Fred Thomas

SENATE LABOR & EMPLOYMENT

EXHIBIT NO. 3

DATE 2/3/87

BILL NO. SB 154



Northern States Power Company

414 Nicollet Mall
Minneapolis, Minnesota 55401
Telephone (612) 330-5500

January 29, 1987

Senator Tom Keating
Capital Station
Helena, MT 59620

Dear Senator Keating:

I am writing to you to voice our support for SB 154. This bill as I understand would eliminate the need for cabooses on certain line haul trains originating or passing through Montana.

Our support for this bill is predicated on our purchase of substantial volumes of coal that originate in Montana or pass through Montana. If this bill were enacted, BN would not be required to have cabooses on these trains and would, therefore, be able to reduce their cost. These cost savings would eventually be passed on to NSP thereby making Montana coal more competitive in the marketplace.

Thank you for your consideration.

Very truly yours,

D H Peterson
Director
Fuel Supply Department

vf

SENATE LABOR & EMPLOYMENT

EXHIBIT NO. 3

DATE 2/3/87

BILL NO. SB 154

Buying and selling
the basics.



Steel/Hides/Furs/Recycling

1401 3rd Street N.W.
P.O. Box 1549
Great Falls, Montana 59403
(406) 727-6222

January 30, 1987

Senator Thomas F. Keating
Capitol Station
Helena, Montana 59620

Dear Senator Keating:

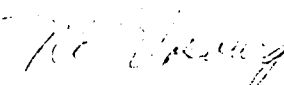
Our company has long been engaged in the steel and scrap business in Montana, Wyoming, Idaho and Washington. To move these heavy materials, we have been a major shipper on both rail and truck. Because of the weight of our products, freight is a major cost in marketing our goods. In fact, in certain instances, freight exceeds the cost of the material.

Because of the importance of freight costs, we are in favor of any legislative action which will lead directly or indirectly to reduced freight rates. Your bill, SB 154, is designed to repeal requirements for cabooses on trains. We are in favor of such a bill. With 47 states safely operating trains without cabooses, it seems that Montana should feel comfortable dropping cabooses. Whatever efficiencies this produces for the railroad only enhances our chances of rate reductions in Montana.

As far as the jobs issue is concerned, no one likes to see jobs lost to Montanans. But we have seen that only the most efficient organizations are able to survive the difficult economic times we have encountered in Montana and the Northwest. Our company must support issues which will help our efficiency and preserve jobs in our company. Supporting a \$6 million expense for unneeded cabooses is not our idea of improving cost efficiency.

We support your efforts on this bill.

Sincerely,


N. E. Vosburg
President

NEV/cmm

cc Great Falls delegation

SENATE LABOR & EMPLOYMENT

EXHIBIT NO. 3

DATE 2/3/87

BILL NO. SB 154



PEGASUS GOLD CORPORATION
Montana Tunnels Mining Inc.

February 2, 1987

Sen. J. D. Lynch
Chairman
Labor And Employment Relations
Montana State Senate
State Capitol Building
Helena, MT 59601

Dear Sen. Lynch:

Montana Tunnels Mining Inc. a subsidiary of Pegasus Gold Corporation would like to go on record in support of SB 154 (Caboose bill) and HB 302 (Railroad Agency bill) as introduced. Montana Tunnels is a large gold, silver, lead, zinc mine and ore processing facility being developed in Jefferson County, approximately 25 miles south of Helena. The long term success of the venture depends, in part, upon competitive freight rates. Each year we expect to ship approximately 60,000 tons of zinc concentrate by rail. Any action the railroad can undertake to reduce the cost of providing rail service and offer companies like ours more competitive freight rates helps insure success.

Thank you for your attention to and consideration of SB 154 and HB 302.

Very truly yours,

John S. Fitzpatrick
Manager of Administration

JSF:pap

cc: Rep. Robert Marks
Sen. Sam Hoffman
Rep. Hal Harper
Rep. John Miles
Rep. Ed Grady

Rep. Gene Donaldson
Sen. Tom Rasmussen
Sen. Joe Nazarek
Sen. Tom Keenan
Mr. John Echehart

SENATE LABOR & EMPLOYMENT

EXHIBIT NO. 3

DATE 2/3/87

BILL NO. SB 154

MIDWEST ENERGY RESOURCES COMPANY
2000 Second Avenue, Detroit, Michigan 48226 (313)963-6156



Superior Midwest Energy Terminal
P.O. Box 787
Superior, Wisconsin 54880
Telephone: (715) 392-9807

February 2, 1987

Senator Tom Keating
Capital Stations
Helena, MT 59620

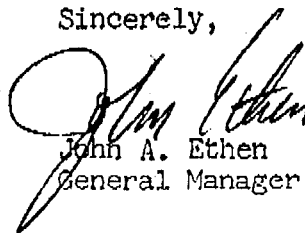
Dear Senator Keating:

I am writing this letter in support of SB154. As a large purchaser of Montana coal, we are most interested in any changes that could result in a lowered delivered price to our power plants.

Detroit Edison, our parent company, has the ability to source coal from both eastern and western states, and to the best of my knowledge, Montana is the only state from which we purchase coal that has a mandatory caboose requirement. This additional cost to the carrier is passed on to the consumer through a caboose cost component which adversely affects the competitive position of Montana coal.

As you are aware, providing to lowest delivered cost is of primary importance in securing a coal contract and HB154 will eliminate one of the economic disadvantages that presently exist in Montana.

Sincerely,



John A. Ethen
General Manager

JAE:jmp

cc: RNicolson

SENATE LABOR & EMPLOYMENT
EXHIBIT NO. 3
DATE 2/2/87
BILL NO. SB 154

Wisconsin Power & Light Company

Investor-owned Energy

222 West Washington Avenue

P.O. Box 192

Madison WI 53701-0192

Phone 608/252-3311

February 3, 1987

Senator Tom Keating
Montana State Senate
Capital Station
Helena, MT 59620

Dear Senator Keating:

Wisconsin Power & Light Company (WP&L) supports your efforts (S.B.154) to repeal the Montana Caboose Law.

WP&L purchases and transports by rail approximately 5.5 million tons of coal annually. The coal originates in four different states with Montana being the only state to require a caboose. Additionally, each year we solicit proposals from companies located in as many as eleven other states evaluating the feasibility and economics of purchasing coal from the companies in those states. Of the eleven states, only Virginia has a mandatory caboose law.

We feel that a mandatory caboose law is a needless and expensive law. It has surfaced on the national scene and has been rejected. In the past year, several states (Illinois, Minnesota, Iowa, Missouri, Michigan, California, and Wisconsin) have defeated mandatory caboose laws. In addition, the Nebraska law is currently involved in litigation.

The mandatory caboose law in Montana adds additional costs to the transportation of coal from Montana that are not present in the transportation of coal from other states, e.g. Wyoming. This additional cost factor contributes to the economic disadvantage of purchasing Montana coal.

In recent years we have noticed a decline in rail rates which translate into lower fuel costs for utilities and reduced energy costs for consumers. We attribute these declines not only to increased competition, but also to economics realized by carriers as a result of greater operating efficiencies including the elimination of the caboose from freight trains.

Sincerely,


R. M. Gregory
Director, Fuel Services

WRK:jz

SENATE LABOR & EMPLOYMENT

Wisconsin's heartland... on the grow

DATE

2/3/87

BILL NO.

SB 154

UNION PACIFIC RAILROAD COMPANY

J. R. DAVIS
EXECUTIVE VICE PRESIDENT-
OPERATION



1416 DODGE STREET
OMAHA, NEBRASKA 68179

January 28, 1987

The Honorable Tom Keating
Capitol Station
Helena, Montana 59620

Dear Senator Keating:

I want to relay to you Union Pacific's support for Senate Bill 154. We are much in favor of the repeal of the present caboos requirement since it hinders our operations and makes it harder for us to provide cost effective service to our Montana shippers.

As you may be aware, the Montana caboos requirement is one of only a few that were ever enacted and is one of only three that remains in the state codes.

We negotiated in good faith with our unions in 1982 and again in 1986 to reduce the number of cabooses required under our union contracts.

Present day railroading presents very few situations where cabooses are needed. Our record with caboosless operations, and the experience of other railroads in the nation, show that cabooses do not have a safety benefit and that we can reduce injury to train personnel who ride in cabooses if we move our crews to the front of the train.

We hope that you will help make Montana a better place to do business and make Montana-produced goods more competitive by repealing your state's caboos requirement.

Very truly yours,

A handwritten signature in cursive script, appearing to read "J. R. Davis".

SENATE LABOR & EMPLOYMENT

EXHIBIT NO. 3

DATE 2/3/87

BILL NO. SB 154

U.T.U.

OCTOBER 31, 1985

MEDIATION AGREEMENT, CASE A-11471

DATED OCTOBER 31, 1985

between railroads represented by the
NATIONAL CARRIERS' CONFERENCE COMMITTEE

and

employees of such railroads represented by the
UNITED TRANSPORTATION UNION

SENATE LABOR & EMPLOYMENT

EXHIBIT NO. 4

DATE 2/3/87

BILL NO. SB 154

Section 5 - Existing Interdivisional Service

Interdivisional service in effect on the date of this Agreement is not affected by this Article.

Section 6 - Construction of Article

The foregoing provisions are not intended to impose restrictions with respect to establishing interdivisional service where restrictions did not exist prior to the date of this Agreement.

Section 7 - Protection

The provisions of Article XIII of the January 27, 1972 Agreement shall apply to employees adversely affected by the application of this Article.

- - - - -

This Article shall become effective November 1, 1985 except on such carriers as may elect to preserve existing rules or practices and so notify the authorized employee representatives on or before such date. Article XII of the January 27, 1972 Agreement shall not apply on any carrier on which this Article becomes effective.

ARTICLE X - CABOOSES

Section 1 - Unit And Intermodal Trains

(a) Article X, Section 4, of the October 15, 1982 National Agreement provides for the elimination of cabooses in through freight (including converted through freight) service up to 25% of the base established thereby. The parties agree that in addition to a carrier's rights under such provision and other provisions of said Article X, cabooses may be discontinued on unit-type trains (e.g., coal, grain, phosphate) and intermodal-type trains (e.g., piggyback, auto rack, double stack) operated in through freight (including converted through freight) service based on Guidelines and Conditions (Sections 2 and 3 of Article X of the October 15, 1982 National Agreement).

(b) Except as provided in paragraph (a) above, Article X of the October 15, 1982 Agreement remains in effect.

Section 2 - Run-Through Service

In run-through service, a caboose which meets the basic minimum standards of the railroad on which it originated will be considered as meeting the basic minimum standards of the other railroad or railroads on which it is operated.

SENATE LABOR & EMPLOYMENT
EXHIBIT NO. 4
DATE 2/3/87
BILL NO. SB 154

DECLAND

U.T.U.

OCTOBER 15, 1982

AGREEMENT

DATED OCTOBER 15, 1982

between railroads represented by the
NATIONAL CARRIERS' CONFERENCE COMMITTEE

and

employees of such railroads represented by the
UNITED TRANSPORTATION UNION

SENATE LABOR & EMPLOYMENT

EXHIBIT NO. 4

DATE 2/3/87

BILL NO. 1-11

ARTICLE VII - EARLY RETIREMENT MAJOR MEDICAL BENEFITS

Section 1. Continuation of Plan

The benefits now provided under The Railroad Employees National Early Retirement Major Medical Benefit Plan, modified as provided below, will be continued subject to the provisions of the Railway Labor Act, as amended. Detailed contract language effectuating all changes in the Plan called for by this Agreement will be worked out by the National Carriers' Conference Committee with the insurer.

Section 2. Benefit Changes

The following benefit change will be made effective on the first day of the month after the month in which this Agreement becomes effective: The maximum amount payable with respect to any retired or disabled employee covered by the Plan or to any eligible dependent of such a retired or disabled employee will be increased from \$50,000 to \$75,000.

ARTICLE VIII - NATIONAL HEALTH LEGISLATION

In the event that national health legislation should be enacted, benefits provided under The Railroad Employees National Health and Welfare Plan, The Railroad Employees National Early Retirement Major Medical Benefit Plan, and The Railroad Employees National Dental Plan with respect to a type of expense which is a covered expense under such legislation will be integrated so as to avoid duplication, and the parties will agree upon the disposition of any resulting savings.

ARTICLE IX - EXPENSES AWAY FROM HOME

Effective December 1, 1982, the meal allowance provided for in Article II, Section 2, of the June 25, 1964 National Agreement, as amended, is increased from \$2.75 to \$3.85.

ARTICLE X - CABOOSES

Pursuant to the recommendations of Emergency Board No. 195, the elimination of requirements for or affecting the utilization of cabooses, as proposed by the carriers in their notice served on or about February 2, 1981, will be handled on an individual railroad basis in accordance with the following agreed upon procedures and guidelines.

Cabooses may be eliminated from trains or assignments in any or all classes of service by agreement of the parties.

Cabooses in all classes of service other than through freight service are subject to elimination by agreement or, if necessary, by arbitration.

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In through freight service, cabooses on all trains are subject to consideration in the negotiation of trains that may be operated without cabooses and there is no limit on the number that can be eliminated by agreement. However, there shall be a 25% limitation on the elimination of cabooses in through freight (including converted through freight) service, except by agreement. If arbitration becomes necessary to achieve the 25 percent of cabooses that may be eliminated in through freight service it shall be handled as hereinafter provided.

Section 1. Procedures

(a) When a carrier desires to operate without cabooses in any service, it shall give written notice of such intent to the General Chairman or General Chairmen involved, specifying the trains, runs or assignments, territory, operations and service involved. A meeting will be held within fifteen (15) days from the date of such notice to commence consideration of the carrier's request subject to the guidelines outlined in Section 2 below.

(b) There is no limit on the trains, runs or assignments in any class of service that may be operated without cabooses by agreement. If the carrier and the General Chairman or General Chairmen are able to reach an agreement, the elimination of cabooses pursuant to such agreement may be implemented at the convenience of the carrier.

(c) In the event the carrier and the General Chairman or General Chairmen cannot reach an agreement within sixty (60) days from the date of the notice, either party may apply to the National Mediation Board to provide the first available neutral from the panel provided for below.

(d) Within fifteen (15) days from the date of this Agreement, the parties signatory to the Agreement shall agree on a panel of five qualified neutrals and an alternate panel of five qualified neutrals who shall be available to handle arbitrations arising out of this Article. If the parties are unable to agree on all of the neutrals within fifteen (15) days, the National Mediation Board shall appoint the necessary members to complete the panels. If one or more members of a panel becomes unavailable he shall be replaced under this procedure. A neutral shall not be considered available if he is unable to serve within thirty (30) days from the date requested. Should a neutral be requested and none of the panel members is available to begin review of the dispute with the parties within thirty (30) days of such request, the National Mediation Board shall appoint a non panel neutral in such dispute.

(e) The neutral member will review the dispute and if unable to resolve by agreement the neutral member will, within thirty (30) days after the conclusion of the hearing, make a determination on the proposed elimination of cabooses involved in the dispute. The determination of the neutral member authorizing the elimination of cabooses shall be final and binding upon the parties except that the carrier may elect not to put such determination into effect on certain trains or assignments covered thereby by so notifying the General Chairman in writing within thirty (30) days from

the date of the determination by the neutral. If a carrier makes such an election it shall be deemed to have waived any right to renew the request to remove the caboose from any such train or assignment covered thereby for a period of one year following the date of such determination.

(f) It is recognized that the operating rules, general orders and special instructions should be reviewed and revised by the carrier, where necessary, to accommodate operations without cabooses. Any necessary revision will be in effect when trains are operated without cabooses.

Section 2. Guidelines

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 length
- (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.

Section 3. Conditions

Pursuant to the guidelines described in Section 2, the following conditions shall be adhered to in an arbitration determination providing for operations without cabooses:

(a) Where suitable lodging facilities for a crew are required and the caboose is presently used to provide such lodging, the carrier shall continue to provide a caboose for that purpose until alternate suitable lodging facilities become available.

(b) Except by agreement cabooses will not be eliminated on certain mine runs, locals and road switchers where normal operations require crews to stand by waiting for cars or trains for extended periods of time and such crews cannot be provided reasonable access to the locomotive or other appropriate shelter during such extended periods.

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(c) Except by agreement cabooses will not be eliminated from trains that regularly operate with more than 35 cars where the crews are normally required to provide rear-end flagging protection.

(d) Crew members will not as a result of the elimination of cabooses be required to ride on the side or rear of cars except in normal switching or service movements or reverse movements that are not for extended distances.

(e) Additional seating accommodations will not be required on trains having a locomotive consist with two or more cabs equipped with seats. Crews required to deadhead on the locomotive will be provided seating in accordance with Section 2(d).

(f) A carrier may operate a train, run or assignment with a caboose if it so desires despite the fact that it may have the right to operate such train without a caboose.

(g) The conditions and considerations applicable to the elimination of cabooses by agreement of the parties pursuant to this Agreement in each class or type of service shall not be disregarded by the neutral in formulating his award covering a similar class or type service.

Section 4. Through Freight Service

(a) There shall be a 25% limitation on the elimination of cabooses in through freight (including converted through freight) service, except by agreement. The 25% limitation shall be determined on the basis of the average monthly number of trains (conductor trips) operated in through freight service during the calendar year 1981. Trains on which cabooses are not presently required by local agreements or arrangements shall not be included in such count, shall not be counted in determining the 25% limitation, and any allowance paid under such agreements or arrangements shall not be affected by this Article. A carrier's proposal to eliminate cabooses may exceed the minimum number necessary to meet the 25% limitation. However, implementation of the arbitrator's decision shall be limited to such 25% and shall be instituted on the basis established below. In the event a carrier's proposal is submitted to arbitration, it shall be revised, if necessary, so that such proposal does not exceed 50% of the average monthly number of trains (conductor trips) operated in through freight service during the calendar year 1981.

(b) In the selection of through freight trains from which cabooses are to be eliminated, a carrier shall proceed on the basis of the following categories:

(i) trains that regularly operate with 35 cars or less;

(ii) trains that regularly operate with 70 cars or less which are scheduled to make no stops en route to pick up and/or set out cars;

(iii) trains that regularly operate with 70 cars or less which are scheduled to make no more than three stops en route to pick up and/or set out cars;

(iv) trains that regularly operate with 120 cars or less which are scheduled to make no stops en route to pick up and/or set out cars;

(v) trains that regularly operate with 120 cars or less which are scheduled to make no more than three stops en route to pick up and/or set out cars;

(vi) trains that regularly operate with more than 120 cars which are scheduled to make no stops en route to pick up and/or set out cars;

(vii) all other through freight trains.

(c) The implementation of the arbitrator's decision shall be phased in on the following basis: the carrier may immediately remove cabooses from one-third of the trains that may be operated without cabooses, another one-third may be removed thirty (30) days from the date of the arbitrator's decision and the final one-third sixty (60) days from the date of the arbitrator's decision.

Section 5. Purchase and Maintenance of Cabooses

In addition to the foregoing, a carrier shall not be required to purchase or place into service any new cabooses. A carrier shall not be required to send cabooses in its existing fleet through existing major overhaul programs nor shall damaged cabooses be required to undergo major repairs. However, all cabooses that remain in use must be properly maintained and serviced.

Section 6. Subsequent Notices

A carrier cannot again seek to eliminate a caboose on a train, run or assignment where the request has been denied in arbitration unless there has been a change in conditions warranting such resubmission. Conversely, where a carrier has eliminated a caboose on a train, run or assignment and the characteristics of that train, run or assignment are subsequently changed in a way that the General Chairman believes cause it to depart from the guidelines, he may propose restoration of the caboose. SENATE LABOR EMPLOYMENT invoke binding arbitration.

Section 7. Penalty

If a train or yard ground crew has been furnished a caboose in accordance with existing agreement or practice on a train or assignment prior to the date of this Agreement and such train or assignment is operated without a caboose other than in accordance with the provisions of this Article or other local agreement or practice, the members of the train or yard ground crew will be allowed two hours' pay at the minimum basic rate of the assignment for which called in addition to all other earnings.

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Section 8. Restrictions

The foregoing provisions are not intended to impose restrictions with respect to the elimination of cabooses or in connection with operations conducted without cabooses where restrictions did not exist prior to the date of this Agreement.

- - - - -

This Article shall become effective fifteen (15) days after the date of this Agreement.

ARTICLE XI - STUDY COMMISSION

Section 1. Pursuant to the recommendations of Emergency Board No. 195 the parties signatory to this Agreement hereby establish a Study Commission consisting of three partisan members representing the carriers, three partisan members representing the United Transportation Union and a neutral member who shall be Chairman. The Chairman shall be selected by the partisan members within 30 days from the date of this Agreement. If the partisan members of the Commission cannot agree on the Chairman within such 30 days, the partisan members shall request the National Mediation Board to confer with the members and within 15 days of such request select a Chairman.

Section 2. The Commission is authorized and directed to investigate and consider in accordance with the recommendations of Emergency Board No. 195 the subject matters listed below:

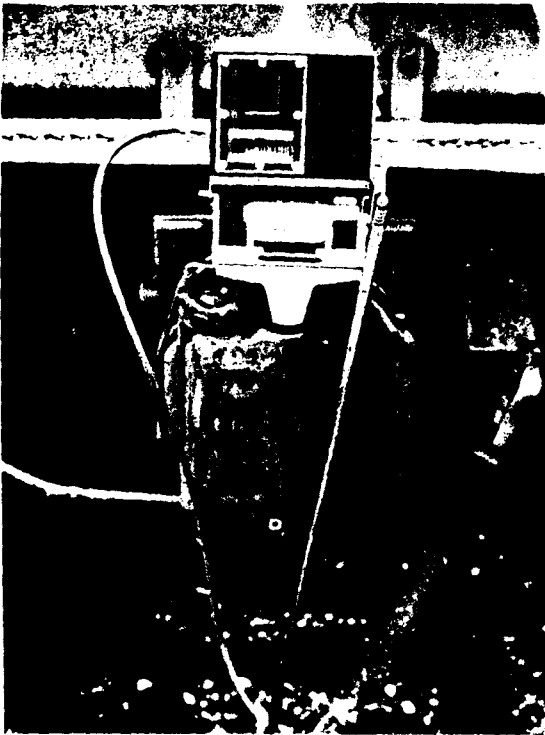
- Basis of pay and related alternatives
- Initial and Final terminal delay
- Air hose coupling
- Engine exchange
- Road/yard restrictions
- Supplemental sick pay
- Disability pay
- Personal leave
- Principles and procedures for stabilizing the pay structure of the operating crafts in response to earnings adjustments arising from crew consist agreements.

Section 3. The Commission shall promptly establish its operating procedures, including the formulation of a schedule designed to expedite and enhance the opportunity to reach agreement on all issues at the earliest possible date. The Chairman shall have authority to resolve any differences between the members with respect to determining the procedures under which it will operate, scheduling meetings and the priorities for consideration of the issues. In the event the Chairman is unable to continue his assignment or the partisan members unanimously concur that a successor should be appointed, the procedures set forth above shall be followed in selecting a replacement.

BACKGROUND INFORMATION ON CABOOSES

- *At end of 1985 BN had about 1,100 cabooses.
- *Cost for a new caboose is \$75,000-\$85,000, depending on intended use.
- *Replacing fleet would cost \$82,500,000.
- *Made obsolete by wheel detectors, dragging equipment detectors, end-of-train devices, air brakes, motels.
- *Removing them allowed in 1982 and 1985 UTU contracts, plus many local agreements on BN and other railroads.
- *Are now running about 1,700 cabooseless trains each month.
- *Two states on our system have caboose laws -- Montana and Ore. (Neb. legislature recently repealed its law)
- *End of train devices monitor air brake pressure, ours also have motion sensors, lighting, odometers, continuous signal monitoring.
- *Caboose has nothing to do with crew size -- locomotives modified to handle the caboose crew up front. Nearly 2,000 locomotives will be modified.
- *BN spending \$3.5 million on devices and modifications this year. BN has about 200 devices now, will buy about 225 more. Devices cost between \$5,000-\$6,000 each.

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FRONT AND REAREND DEVICE

Shots of "FRED", BN's nickname for its front and rearend device, and the replacement for the caboos. This device is attached to the last car of the train by inserting the rod into the flag stick hole in the knuckle of the last car. An ID code must be dialed into the headend device so that the two are on their own transmitting frequency. Once installed on the last car the following checks are made by depressing the test button:

1. Marker will flash for 30 seconds
2. Battery charge used is displayed on digital readout.
3. Brake pipe pressure is indicated for 30 seconds.

At the same time all lights on headend unit are illuminated and a beeper sounds.

The rearend device is covered with a highly reflectorized material which serves as a daylight marker and for caboosless operations. This material satisfies all of the requirements of the Federal Rail Administration (FRA does not require "FRED" only a reflectorized marker). The rearend device is equipped with a photoelectric cell that controls the marker light, similar to street lights.

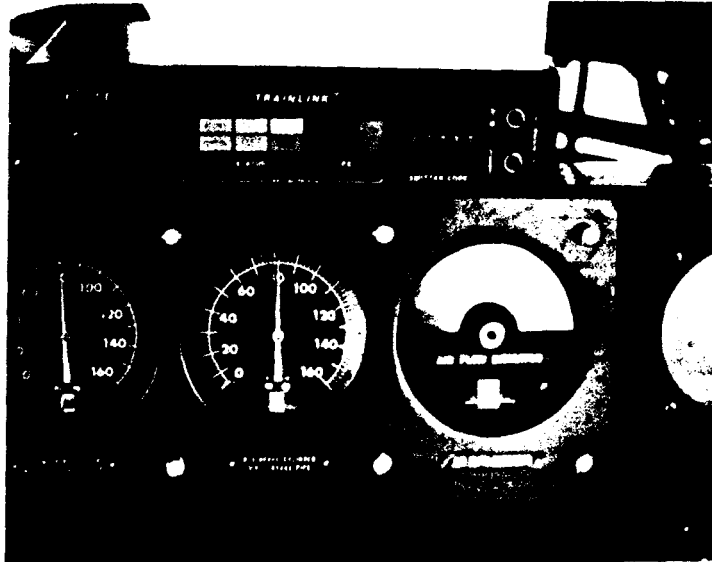
Each device is inspected and tested at intervals not to exceed 92 days. The maintenance station is stenciled on each device.

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EXHIBIT NO. 42

DATE 2/3/89

BILL NO. SB 154



HEADEND DEVICE

This device is located on the locomotive. The information transmitted to the locomotive includes:

1. Brake pipe pressure on 1 pound PSI intervals
2. Last car moving or stopped
3. Marker on or off
4. Battery low
5. Battery charge used
6. RAD (Transmission) break

In the picture 188 PSI indicates the test button is pushed and all lights are illuminated. The headend device is mounted above the control stand to provide easy visibility and access for the engineer.

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HOT JOURNAL AND DRAGGING EQUIPMENT DETECTORS

View of the hot journal and dragging equipment detectors as train approaches.

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HOT JOURNAL DETECTORS

Pictured are the gating transducers. When a wheel passes over these, the transducers send a signal which opens and closes the reference shutter (a device to keep debris from entering the system) and gives the pyrometer (the electronic thermometer) the current outside temperature. The pyrometer measures the heat emitted from the journal as it passes over the scanner. If the amount of heat is higher than normal an alarm signals to let the train crew know there is a hot journal and which axle registered the problem.

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DRAGGING EQUIPMENT DETECTOR

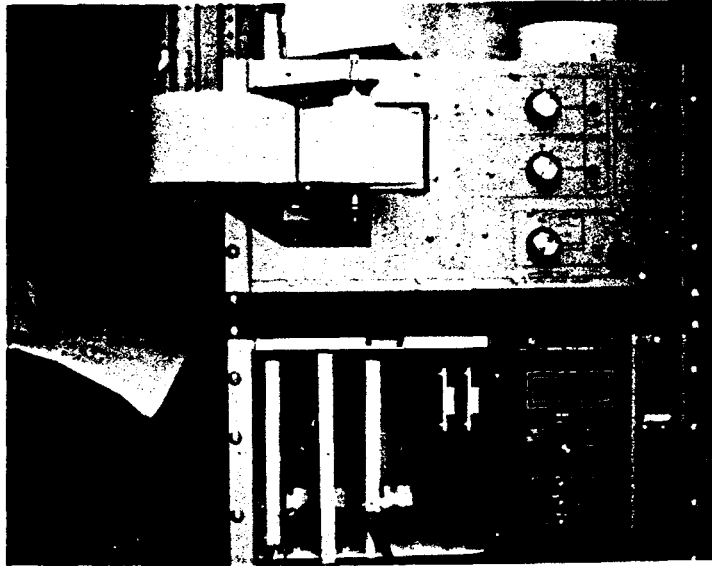
The dragging equipment detectors are set so that they must move approximately 10 degrees off vertical before a signal is transmitted indicating to the train crew that something is dragging.

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ELECTRONIC EQUIPMENT

Bungalows house the electronic equipment for the hot journals and dragging detectors.

On this type of detector a tape is printed for each train passing the detector.

Tape shows each journal as measured in millimeters. The millimeter lines are converted to temperature in degrees centigrade with a mathematical formula.

The detector broadcasts information to the train crew on a radio. The train crew hears an actual voice message which indicates whether or not there is a defect. If there is a defect the equipment is able to tell the crew exactly which journal registered the defect.

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DATE 2/3/37

BILL NO. SB 154

M.F.

RESEARCH REPORT

THE CABOOSE AS AN INFLUENCE
ON THE SAFETY OF TRAIN OPERATIONS
IN THROUGH FREIGHT SERVICE
IN THE UNITED STATES

January 1984 through December 1985

October 3, 1986

ECONOMIC RESEARCH DEPARTMENT

NATIONAL RAILWAY LABOR CONFERENCE

1901 L STREET, N.W., WASHINGTON D.C. 20036 (202) 862-7200

SENATE LABOR & EMPLOYMENT

EXHIBIT NO. 7

DATE 10/3/86

BILL NO. OB 154

IV. CONCLUSION

An examination of the records of rail equipment accidents and train crew casualties in through freight service over a two-year period produces sufficient data to throw some light on a long debated question.

During this period over 450 million train miles were run in through freight. Extensive use of the non-caboose configuration began in 1984, with less than 8 percent of the train miles run as non-caboose. In 1985, nearly twenty percent of the train miles were run without a caboose. In 1985, seventy-nine percent of all non-caboose operations were in through freight service.

Even with a substantial increase in the percentage of non-caboose operations between 1984 and 1985, there was no significant change in the frequency of rail equipment accidents - 4.91 per million train miles in 1984 and 3.82 in 1985. Further, the accident frequency in non-caboose operations was not significantly different from the frequency in trains running with cabooses - 5.04 to 4.90 in 1984; 3.86 to 3.81 in 1985 and 4.17 to 4.37 for the total period.

No significant change in safety is seen in the accident severity rates. It declined from \$ 484.5 per million train miles in 1984 to \$ 366.7 in 1985. The severity rate for non-caboose operations was lower than for caboose operations in both years - \$ 296.0 to 499.5 in 1984 and \$ 340.8 to \$ 372.9 in 1985.

The study results indicate that the caboose contribution to the prevention of rail equipment accidents is so small that its influence cannot be detected in the overall accident experience. At the very least, these results

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are clearly inconsistent with the expectations of those who argue that the removal of the caboose will result in the substantial deterioration of rail safety.

The picture portrayed by the data on employee casualties needs little comment. The frequency of casualties in non-caboose operations is lower by a clear margin; severity rates are down dramatically. Since concern for the welfare of employees is a valid consideration in the caboose debate, the evidence on this point argues strongly in favor of the non-caboose configuration.

In summary, the removal of the caboose in the operations studied shows no indication of an increase in rail equipment accident frequency or severity and a beneficial effect on employee safety.

NRLC Research Department
October 3, 1986

TESTIMONY ON SENATE BILL 154
CABOOSES
OF

J. W. GREENE, PRESIDENT MONTANA WESTERN RAILWAY COMPANY
700½ RAILROAD ST., BUTTE, MONTANA
TELEPHONE 406-782-1240

MR. CHAIRMAN, MEMBERS OF THE COMMITTEE:

MONTANA WESTERN RAILWAY IS A SHORT LINE RAILROAD OPERATING BETWEEN BUTTE AND GARRISON MONTANA; WE ALSO OPERATE THE NEWCOME BRANCH WHICH WAS A PART OF THE MILWAUKEE MAIN LINE BETWEEN BUTTE, MONTANA AND THE PORT OF MONTANA LOCATED ABOUT SIX MILES SOUTH OF BUTTE.

CURRENTLY, ALL MAINLINE TRAINS BETWEEN BUTTE AND GARRISON OPERATE WITH A CABOOSE, AS DO TRAINS OPERATING ON THE NEWCOME BRANCH.

CABOOSES ARE VERY EXPENSIVE PIECES OF EQUIPMENT, AND, I BELIEVE, TOTALLY UNNECESSARY ON MOST TRAINS.

THE DECISION ON WHETHER OR NOT A CABOOSE IS NEEDED ON A SPECIFIC TRAIN SHOULD BE THE DECISION OF THAT RAILROAD'S OPERATING DEPARTMENT, NOT THE LEGISLATURE OR THE PSC.

IF THIS LEGISLATION WERE TO PASS AND RAILROADS WERE NOT REQUIRED TO OPERATE TRAINS WITH A CABOOSE, MONTANA WESTERN WOULD STILL USE THE CABOOSE ON SOME TRAINS.

THE NEWCOME BRANCH, BECAUSE OF LONG REVERSE MOVEMENTS, WOULD STILL HAVE TO USE A CABOOSE AS WOULD SOME MAIN LINE TRAINS UNDER CERTAIN OPERATING CONDITIONS SUCH AS REVERSE MOVEMENTS BETWEEN SWITCHING POINTS.

SENATE LABOR & EMPLOYMENT

EXHIBIT NO. 8

DATE 2/3/27

TESTIMONY ON SENATE BILL 154 - CABOOSES
J. W. GREENE

THE MOST COMPELLING REASON FOR ELIMINATING CABOOSES IS THE DANGER TO CREWMEN WHO RIDE IN CABOOSES.

THE MAJORITY OF STATES HAVE ELIMINATED REGULATION WHICH REQUIRES CABOOSES, AND WE NOW HAVE AVAILABLE COMPARATIVE DATA WHICH CLEARLY SHOW THE BIG DIFFERENCES IN THE INJURY RATE ON TRAINS OPERATING WITH CABOOSES AND THOSE OPERATED WITHOUT CABOOSES.

TEN MAJOR RAILROADS PROVIDED INFORMATION ON BOTH CABOOSELESS AND CABOOSED OPERATIONS TO THE NATIONAL RAILWAY LABOR CONFERENCE'S ECONOMIC RESEARCH DEPARTMENT. THE FINDINGS SHOW THERE IS A DRAMATIC IMPROVEMENT IN INJURY RATES ON TRAINS OPERATED WITHOUT A CABOOSE.

THE DATA SHOWS 38% LESS INJURIES ON CABOOSELESS OPERATIONS THAN ON TRAINS WITH CABOOSES.

THIS NEW DATA CLEARLY SHOWS THAT WHAT RAILROAD OPERATING PERSONNEL HAVE BEEN SAYING FOR THE LAST FOUR OR FIVE YEARS IS TRUE.

CABOOSES ARE NOT ONLY UNNECESSARY, THEY ARE IN FACT DANGEROUS TO THE EMPLOYEES RIDING THEM.

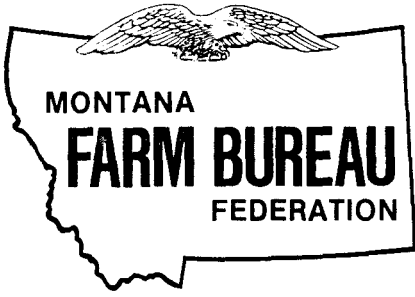
WITH THESE FACTS IN MIND, I URGE YOU TO SUPPORT THE ELIMINATION OF CABOOSES AND VOTE FOR SENATE BILL 154.

SENATE LABOR & EMPLOYMENT

EXHIBIT NO. 8

DATE 2/3/27

BILL NO. SB 154



P.O. Box 6400
~~502 South 9th~~

Bozeman, Montana 59715
Phone (406) 587-3153

TESTIMONY BY: Alan Eck
BILL # S.B.154 DATE 2/3/87
SUPPORT XXXX OPPOSE _____

Mr. Chairman and members of the committee, for the record my name is Alan Eck. I'm representing the Montana Farm Bureau Federation. The Farm Bureau feels that the elimination of the caboose requirement would help the railroads be more efficient which may translate into freight rate reductions for Montana Ag producers who ship their product by rail. We support the passage of senate bill #154. Thank You.

SENATE LABOR & EMPLOYMENT
EXHIBIT NO. 9
DATE 2/3/87
BILL NO. SB 154

SIGNED: Alan Eck

NAME: Martin W. Dippold DATE: Feb 3, 1987

ADDRESS: Box 634 Garrison Montana 59731

PHONE: 846-2084

REPRESENTING WHOM? Cominco American Inc.

APPEARING ON WHICH PROPOSAL: SB 154

DO YOU: SUPPORT? Support AMEND? _____ OPPOSE? _____

COMMENTS: I represent Cominco's Phosphate mine shipping approximately 2500 car per year from GARRISON. Our operation has been shut down since Nov 15, 1986 with no startup date in place. Cominco employs about 130 people who operate at full capacity. We are an underground mine closer to the ^{exporting} market than any of our competitors and have always competed in the export market. Our current shut down is the result of sever competition from a Utah ^{open pit} mine and a rail line which does not cross Montana to deliver to the Canadian market. If Cominco is to reopen its Montana mine our operating and transportation costs must be reduced to re-establish our market. Therefore we support any cost reducing action where the saving will be passed on to the customers since the survival of the long standing operation that I manage north of GARRISON, Montana depends on reduced costs.

Martin W. Dippold

SENATE LABOR & EMPLOYMENT
EXHIBIT NO. 10
DATE 2/3/87
BILL NO. SB 154

Safety cost saving to customers

MY NAME IS JOE BRAND, I AM THE MONTANA STATE DIRECTOR OF THE UNITED TRANSPORTATION UNION, AND I AM ALSO REPRESENTING THE MAINTENANCE OF WAY EMPLOYEES AND THE BROTHERHOOD OF LOCOMOTIVE ENGINEERS.

I WAS BORN AND RAISED IN MONTANA AND WAS A RAILROAD WORKER FOR OVER 40 YEARS. ALL IN THE STATE OF MONTANA, AND YOU CAN BE ASSURED I WANT TO LEAVE A BETTER STATE TO MY GRANDCHILDREN, WHO ALSO RESIDE IN MONTANA AND LIVE VERY CLOSE TO THE BURLINGTON NORTHERN TRACK.

IT IS FOR THIS AND MANY OTHER REASONS THAT I SPEAK IN OPPOSITION TO S.B. 154. THE BOOK THAT WE PREPARED IS FROM MATERIAL THAT WE GATHERED WHICH IS ABOUT MANY OF THE PROBLEMS THAT WE HAVE IN MONTANA REGARDING CABOQSES ON TRAINS. THIS INFORMATION IS PROBABLY ONLY ABOUT 10% OF INCIDENT RATES IN MONTANA WITH MANNED CABOQSES REPORTING PROBLEMS CAUSED BY TRAINS. IF CABOQSES ARE REMOVED AS CALLED FOR IN THIS LEGISLATION AND BURLINGTON NORTHERN RAILROAD SAYS THEY WILL HAVE 4 MEN RIDING IN THE LOCOMOTIVE, WITH 4 EMPLOYEES ON THE HEAD END AND 2 DOING NOTHING YOU CAN BE ASSURED THOSE UNPROTECTED EMPLOYEES POSITIONS WILL BE ABOLISHED, OR THE PROTECTED EMPLOYEES WILL BE BOUGHT OUT.

THERE ARE MANY COUNTRY ROADS THAT ARE NOT LIGHTED AND HAVE NO CROSSING GATES, SO IN MANY INSTANCES DRIVERS DON'T SEE THE TRAIN CAUSING THEM TO RUN INTO THE SIDE OF THE TRAIN, AND THEY ARE EITHER BEING THROWN FROM THEIR VEHICLES OR BEING DRAGGED. IF NO CABOOSE THEY COULD LAY THERE AND DIE. WHEN I WAS WORKING ON THE RAILROAD, FREQUENTLY RIDING THE CABOOSE I CAN RECALL FOUR OR FIVE INSTANCES WHEN AUTOMOBILES OR TRUCKS RAN INTO THE SIDE OF THE TRAIN. WE WOULD VIEW THESE ACCIDENTS FROM THE CABOOSE, PULL THE AIR, OR REPORT BY RADIO IF WORKING TO STOP THE TRAIN. MANY TIMES THE PEOPLE WHO WERE IN THESE VEHICLES WERE EITHER STILL INSIDE THE VEHICLES OR LAYING ON THE GROUND MOANING, CUT AND BLEEDING WE MADE THEM AS COMFORTABLE AS POSSIBLE CALLED AHEAD TO HAVE AN AMBULANCE SENT TO THE SCENE AND STAYED WITH THEM UNTIL HELP ARRIVED I AM NOW GOING TO READ TO YOU A LETTER THAT I HAVE RECEIVED ABOUT A RECENT CASE SUCH AS

SENATE LABOR & EMPLOYMENT
EXHIBIT NO. 11
DATE 2/3/87

THIS THAT IS EVEN MORE BIZARRE.

DEAR JOE:

AN ACCIDENT HAPPENED RECENTLY IN POPLAR, MT., WHERE A PERSON WAS CROSSING THRU A TRAIN AND HAD HIS FOOT RUN OVER BY A TRAIN. THE CREW INVOLVED GAVE ME A SHORT LETTER ENTAILING FACTS OF THE INCIDENT HERE IT IS.

ON OCT. 12, 1986, CONDUCTOR NORGARD AND BRAKEMAN BJORKE WERE ON THE CABOOSE OF A WESTBOUND GRAIN TRAIN LEAVING POPLAR AFTER MEETING TWO EASTBOUND FREIGHT TRAINS AT ABOUT 3:15PM. WHILE DEPARTING THEY NOTICED A MAN ON THE NORTH SIDE OF THE MAIN LINE NEAR WEST ELEVATOR, WHO APPEARED TO HAVE A BADLY INJURED LEFT FOOT. THE TRAIN CREW IMMEDIATLY NOTIFIED THE BILLINGS TRAIN DISPATCHER WHO THEN SUMMONED THE LOCAL AMBULANCE AND POLICE TO THE SCENE. APPARENTLY THE PERSON WAS CROSSING THRU THE STANDING TRAIN AT THE SAME TIME THEY STARTED TO PULL OUT OF POPLAR.

THAT PERSON IS LUCKY THERE WAS A CABOOSE ON THE TRAIN THAT RAN OVER HIS FOOT. HE MAY HAVE WENT INTO SHOCK AND LAYED THERE AND BLED TO DEATH.

THIS INCIDENT IS ABOUT THE SAME TYPE AS AN AUTOMOBILE RUNNING INTO THE SIDE OF A TRAIN AND NO ONE KNOWING BUT THE CABOOSE CREW.

JOE, I HOPE THIS INFORMATION WILL BE OF SOME HELP.

SINCERELY YOURS,

J. R. BRANDT

I SAY TO YOU THAT IF WE WERE INSTRUMENTAL IN SAVING EVEN ONE LIFE IT IS WELL WORTH THE PRICE OF HAVING A CABOOSE ON THE REAR OF TRAINS.

SENATE LABOR & EMPLOYMENT
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IF A TRAIN SEPERATES 5 CARS AHEAD OF THE CABOOSE THE EMPLOYEES CAN WALK UP 5 CARS AND IF IT IS A BROKEN KNUCKLE OR AIR HOSE THEY CAN GO BACK TO THE CABOOSE WHERE EQUIPMENT IS AVAILABLE AND STORED FOR THIS PURPOSE ^{which enelude Fire on Tinger, Knuckles, air hoses & other material} THEY THEN TAKE THE MATERIAL MAKE THE REPLACEMENT AND THE TRAIN IS ON ITS WAY. IF NO CABOOSE THE CREW WILL HAVE TO WALK BACK 100 TO 150 CARS DEPENDING ON LENGTH OF TRAIN, CHECK WHAT IS NEEDED THEN ASK THE ENGINEER OR OTHER EMPLOYEE ON HEAD END TO THROW THE MATERIAL ON THE GROUND, THEN HAVE THE TRAIN PULL BY, LOAD THE MATERIAL ON THE REAR OF THAT CAR, WHICH IN MANY INSTANCES IS DIFFICULT TO DO, THEN HAVE THE TRAIN BACK UP, STOP, AND REPAIR DAMAGE, HAVE THE TRAIN THEN BACK UP TO WHERE THE WORKER IS OR THE WORKER HAS TO WALK BACK TO THE HEAD END, WHICH IS ANOTHER 100 TO 150 CARS. THIS IS TIME CONSUMING AND NOT IN THE BEST INTEREST OF THE SHIPPERS.

FINALLY APPROXIMATELY ONE AND A HALF WEEKS AGO REPORTERS WERE INTERVIEWING MR. ROSS PEROT, AND I HAVE BEEN LAYING AWAKE AT NIGHTS THINKING ABOUT WHAT MR. PEROT HAD TO SAY ABOUT THE CORPORATIONS OF AMERICA.

MR. PEROT IS A MULTI MILLIONAIR, AND HE GOT THIS WAY BECAUSE HE FORMED A SMALL COMPANY WHICH PRODUCED THE SAME ITEMS AS I.B.M. HE SAID THAT WHEN HE STARTED HE WAS IN A SMALL VALLEY AND I.B.M. ON TOP OF A CLIFF. TODAY HE SAID HE LOOKS EYEBALL TO EYEBALL AND IS ON TOP OF THE CLIFF WITH I.B.M. HE STATED THE REASON FOR THIS RISE IS NOT HIS INGENUITY BUT IT IS THE INGENUITY OF THE EMPLOYEES. HE INSTRUCTS HIS OFFICERS TO LISTEN TO THE WORKERS AND IMPLEMENT WHAT THEY WANT. THIS IS THE SAME INGREDIENT THAT IS USED IN JAPAN. WHEN CORPORATE MANAGERS AND OFFICERS OF COMPANIES WHO THINK ONLY BECAUSE OF THEM THE COMPANY EXISTS THEY ARE IN FOR A RUDE AWAKENING, BECAUSE THAT COMPANY IS DESTINED FOR FAILURE. I AGREE WITH MR. PEROT, AND SAY TO THE BURLINGTON NORTHERN OFFICERS YOU DO NOT LISTEN TO THE CUSTOMERS, YOU INTIMINIDATE THE EMPLOYEES, AND IN MY OPINION YOU ARE MAKING A BRIDGE ~~SENATE LABOR & EMPLOYMENT~~ MONTANA, AND IT WILL NOT BE TO MANY YEARS INTO THE ~~EXHIBITURE~~ 11 THAT YOUR EXISTENCE WILL EXPIRE.

DATE 2/3/87

THE REASONING FOR THIS IS YOU HAVE REMOVED THE SHOPS FROM
MISSOULA, HELENA, LIVINGSTON, AND WHITEFISH. THE REGIONAL
HEADQUARTERS AT BILLINGS HAVE BEEN REMOVED. YOU ARE
CONSIDERING LEASING YOUR DIESELS AND HAVING THEM REPAIRED BACK
EAST. ALSO BURLINGTON NORTHERN IS READY TO SELL PORTIONS OF
THE RAILROAD OR ALL OF THE RAILROAD, AS STATED BY MR. KELLO,
AND THEN YOU HAVE THE NERVE TO TELL MONTANA PEOPLE THAT WE
ARE ANTI BUSINESS. AS FAR AS I AM CONCERNED THE BURLINGTON
NORTHERN OFFICERS ARE ANTI MONTANA AND ANTI PEOPLE.

THANK YOU. JOE BRAND

SENATE LABOR & EMPLOYMENT

EXHIBIT NO. 11

DATE 2/3/89

BILL NO. SB 154

Burlington Northern Fires Responded to by Clinook
Rural Volunteer Fire Department from 1983 to 1986
Requested by:

Raymond West U.F.W. Asst State Director
Calvin L. Burr Jr. B.L.E. Log Board Chairman

<u>1983</u>	<u>1984</u>	<u>1985</u>	<u>1986</u>
2-13-83	4-10-84	2-26-85	5-26-86
6-25-83	4-15-84	3-17-85	
6-25-83	4-15-84	5-02-85	
6-29-83	4-15-84	7-02-85	
8-06-83	5-14-84	7-05-85	
8-10-83	6-29-84	10-13-85	
8-10-83		11-05-85	
9-07-83			

Unknown how these fires were reported. All fires are
dispatched through the Blaine County Sheriff Office to
the Firemen via pagers.

Robert C. Richmond

ROBERT C. RICHMOND
CLINOOK FIRE CHIEF

Larry Busch

LARRY BUSCH
BLAINE FIRE CHIEF

SENATE LABOR & EMPLOYMENT
EXHIBIT 11
DATE 2/3/97
BILL NO. SB 1561

Whitefish, Montana
January 27, 1987

Honorable Senator John J. D. Lynch
State Capitol Building
Helena, Montana 59601

Dear Sir,

It was brought to my attention Senate Bill 154 concerning cabooses will be discussed shortly in a committee hearing. As a brakeman on the Burlington Northern and former Great Northern since Sept. 3, 1948 I feel I would be well qualified to give your committee some reasons for keeping cabooses on all trains.

In 1948 when I started working on freight trains freight cars were 40 ft. long. Most of the trains were not over 70 cars in 1948. Train inspections were every 255 miles in which the carman walked and inspected every car. After the air tests were completed the carman would give the train a roll by inspection to make sure all brakes were released.

The freight trains cars now vary between 50 ft to 100 ft. long. The length of our trains run from 5000 ft. to 7500 ft. long, with some trains longer. Grain trains which the Burlington Northern has plenty of vary from 52 to 108 cars weighing up to 13,500 ton. The Burlington Northern runs very few trains under one mile long.

Train inspections are made every 1000 miles. The carmen ride Kubotaes to inspect trains and inspect trains in less time than it took them in 1948 even though many of the trains are twice as long. The F. R. A. gave the railroads this right even though it meant poorer inspections of trains. Just recently the Conductor on a grain train at Shelby, Mt. walked the train and found 14 bad order cars with bad operating air brakes. This train was supposed to have been inspected at Havre, Mt. a distance of 104 miles from Havre. The BN was fined \$ 2500.00 per car which isn't much when you consider mens lives at stake.

After leaving Havre on a freight train we have a series of up and down grades until you reach Summit, Mt. then you descend on a grade of 1.8 % for 18 miles, from there on a 1 % grade to Red Eagle, then water grade to Whitefish. Leaving Whitefish its water grade to Stryker then one % grade to Flathead tunnel. The Flathead tunnel is seven miles long then a 1 % grade down hill to Riverview. From Yakt, Mt. To Crossport, Idaho a distance of 20 miles thru the Kootenia canyon there are so many curves it takes the engineer on the train and a conductor on the caboose to watch a train. My main point on the above paragraph is the kind of track our train crews have to work on.

Last year alone we had several runaways from Summit to Nimrod due to poor operating air brakes, if it wasn't for the Conductor on the caboose who dumped the air from the caboose there would have been a loss of life and major property damage to BN equipment.

page 1

SENATE LABOR & EMPLOYMENT

EXHIBIT NO. 11

DATE 2/1/87

BILL NO. SB 154

continued

Due to cabooses on trains two Amtrack wrecks were averted due to alert train crews. At Browning, Mt. a freight train stopped in the siding and in doing so the rear portion of the freight train (caboose and five cars) came uncoupled from rest of train and started to roll back down a one per cent grade, the conductor and rear brakemen hurried up and tied hand brakes on the cars until they stopped thereby averting a collision with Amtrack who was going to go around them. At Wolf Prairie the engineer looked back on curve and saw sticking brakes, he set the air but air brakes did not respond so he called the Conductor on the caboose who dumped the air and put the train into emergency. One car behind the engine a angle cock had shut the train line air off so the engineer could not control his train. A meet with Amtrack one station away would have been disasterous. As it was Amtrack met the freight train at Wolf Prairie and nothing more was said.

In conclusion, the life of individuals and property should be of more concern than placing a dollar value on the operation of cabooses on freight trains in Montana. Hopefully I have shed some insight on the track our crews perform on and a few examples of why cabooses are a necessary part of Burlington Northern everyday operation.

Thank you.

Sincerely yours,

Marlin Koestler

Marlin Koestler

MARLIN KOESTLER
304 WISCONSIN AVE.
WHITEFISH, MONT.
59937



SENATE LABOR & EMPLOYMENT

SENATE NO. 1

DATE 1/17/77

BILL NO. 512

Whitefish, Montana
January 28, 1987

Honorable Senator Thomas Keating
State Capitol Building
Helena, Montana 59601

Dear Sir,

Its my understanding Senate Bill 154 will be discussed shortly in a committee meeting. I've worked for the former GN and now the Burlington Northern for 38 years as a brakemen and Conductor. I would like to shed some light on the subject of why we need to keep cabooses on our freight trains.

When I hired out in Sept. of 1948 trains were seldom one mile long and very few cars were over 40 ft. long. Today cars run from 50 ft. long to 100 ft. long, with trains the length of one mile up to 8500 ft.. I understand trains are longer east of Havre due to the grade of the track.. The Burlington Northern track from Havre west has an ascending grade of one per cent in many places until it reaches Summit, Mt. which is 5,216 ft., then descends a mountain grade of 1.8 % per cent to old Nimrod, one per cent grade to Red Eagle and then mainly river grade to Whitefish, Mt.. We also have a one per cent grade from Stryker, Mt. to the Flathead tunnel. The Flathead tunnel is seven miles long with 21 bays in it in case our train goes into emergency. From the tunnel we descend a one per cent grade to River View, then water grade to Bonners Ferry, Idaho. The reason I've given you the lay out of the track is so you can see the many obstacles our train and engine crews have to operate over with long and heavy trains.

Last winter the brakes were released on five trains on our mountain grade of 1.8 % between Summit and Nimrod without the engineers realizing it or their air gauges showing it. In each case the engineer called the caboose and the alert train crew dumped the air so the train could be stopped. The devise the Burlington Northern wants to use as a caboose cannot dump the air. In all five cases there would have been a major derailment and a possible loss of lives. In these cases I guess you would have to ask yourself how much is a life worth. This winter we've already had reports of air problems, last year they were blamed on bad air hoses I believe. If the railroad wants to run trains without cabooses the state law allows them to do it. Trains can be run up to 2000 ft. long without cabooses at the present time, this is about all the further an engineer can see from the front end of a train. If it was not for the train crews on cabooses at Browning and Wolf Prairie, Mt. its possible there would have been two Amtrack wrecks last year. At Browning a heavy grain train stopped on a one per cent grade, in doing so the last 5 cars and caboose started rolling eastward just about the same time Amtrack was due to runaround grain train. The Cond. and brakemen both had to tie hand brakes on the cars in order to stop them and prevent a collision with Amtrack. At Wolf Prairie a loose angle cock one car behind the engine closed thereby preventing the engineer from stopping his train. The engineer called the caboose and they dumped the air. This train was supposed to meet Amtrack at Tamarack, but as it was I believe they met at Wolf Prairie & EMPLOYMENT money did cabooses safe BN in these incidences alone

STATE LIBRARY & EMPLOYMENT
E.H. DI. NO. 11
DATE 2/3/87

In relating these incidences I feel the life of our train crews is more important than placing a dollar value on the operation of the Burlington Northern. Property damage alone would have paid the Burlington Northern future years in advance for the cost of cabooses on freight trains.

In conclusion roadside detectors that the Burlington Northern puts all their faith in to prevent derailments would not have been much use to them in the incidences I've cited to you. Having staffed cabooses saves lives and major property damage on the Burlington Northern.

Thank you for listening to my side of the story. .

Sincerely yours,

Marlin Koestler

MARLIN KOESTLER
304 WISCONSIN AVE.
WHITEFISH, MONT.
59937



SENATE LABOR & EMPLOYMENT

EXHIBIT NO. 11

DATE 2/3/87

BILL NO. SB 154

Whitefish, Montana
January 28, 1987

Honorable Senator Gene Thayer
State Capitol Building
Helena, Montana 59601

Dear Sir,

I understand caboose bill (Senate Bill 154) will be discussed in committee shortly. As a brakeman with 38 years service I feel I can give insight why cabooses are still needed in Montana.

From Havre, Montana our trains operate over grades of one per cent until our freight trains reach Summit, Mt., then descend a mountain grade of 1.8 % to Nimrod a distance of 18 miles, then 1 % grade to Red Eagle and then a water grade to Whitefish, Montana. About 50 miles west of Whitefish we have the Flathead Tunnel, which is seven miles long. Portable radio's don't work in tunnels so cabooses are essential on all trains. Last week an empty grain train of 144 cars went into emergency in the tunnel. The problem was in the middle of the train next to an air repeater car. In this case I think even the BN was glad there was a caboose on the rear of the train. Our train and engine crews work in some of the most adverse weather conditions known to mankind between Havre and Whitefish, Montana. Over the past winter alone the brakes were automatically released on five BN freight trains in Montana without the engineers realizing it or their air gauges showing it. In these cases how much is a caboose worth ??? How long does it take a 13,600 ton grain train to be out of control on a 1.8 % grade??? If it had not been for the alertness of the crew members on the cabooses of these grain trains, there would have been a major disaster.

The cabooses in Montana cost the BN very little in the way of upkeep. Very few of the cabooses have all the bunk mattresses in them, the seats are worn out and quite a few of the bunk wooden covers are missing. Havre does very little supplying cabooses or repairing them. Our trainmen receive one cent per mile when working freight. This is very reasonable due to the hazardous materials the railroads haul, forest fires that have been prevented due to sticking brakes the rear crew reported and when train crews dump the air to prevent runaways as in the above cases.

In conclusion staffed cabooses saves rather than costs BN money by reducing accidents. Thank you for listening to the reasons why I think cabooses are important on all freight trains in Montana.

Sincerely yours,

Marlin Koestler

MARLIN KOESTLER
304 WISCONSIN AVE.
WHITEFISH, MONT.
59937



SENATE LABOR & EMPLOYMENT

EXHIBIT NO. 11

DATE 2/3/87

BILL NO SB 154

Whitefish, Montana
January 28, 1987

SENATE LABOR & EMPLOYMENT

EXHIBIT NO. 11

DATE 2/3/87

BILL NO. SB 154

Honorable Senator Delwyn Gage
State Capitol Building
Helena, Montana 59601

Dear Sir,

Its my understanding Senate Bill 154 will be discussed in committee in the near future. As a brakemen with 38 years service with the former GN and now Burlington Northern I feel I am well qualified to give your committee some insight why cabooses are still necessary in Montana.

The Burlington Northern places much faith on the use of roadside detectors which are located about 20 miles apart. Many times our train crews will receive the message Integrity Failure which means our trains can proceed to the next detector, but the decision to do so is up to the Conductor and engineer. When Integrity Failure message is received either side of the flathead tunnel train crews must stop and inspect. The Flathead tunnel is seven miles long and has 21 bays in which brakemen can talk (if telephone is working) to the dispatcher who then radios the Conductor or engineer what we found out. Portable radio's don't work in tunnels and sometimes around curves. Many times in the Flathead tunnel the fans haven't worked and the exhaust fumes from the engines made it impossible to see except for a few feet. In cases like this its nice to have a caboose so you only have to walk half the distance to find the trouble. Just a few days ago an empty grain train of 144 cars with a air repeater car (car that keeps the air equalized) went into emergency. The problem was next to the repeater car which was in the middle of the train (train length about 8000 ft) since this happened in the Flathead tunnel I imagine both the head end and rear end train crews were glad for having a caboose. This past winter the brakes were automatically released on 5 trains that were decending a 1.8 % grade from Summit to Nimrod. The engineer didn't realize it and if it hadn't been for a alert train crew on the caboose there could have been a major loss of lives and damage to equipment. I guess you should ask yourself how much is a caboose worth in this case ?? In these cases alone staffed cabooses saved millions of dollars. Many fires are reported from cabooses which I can attest to. These fires are started from sticking brakes that won't release when the engineer releases the air. Very few grain trains decend a mountain grade with out the engineer using lots of air.

The Burlington Northern is not going to reduce freight rates for the few dollars cabooses cost them. BN is one of the most profitable railroads in the country. This past year alone every trainman in Montana lost \$ 2000.00 to \$ 6000.00 dollars because of our Oct. 31, 1985 contract. Just how much money did this cost Montana in state taxes ??? The question you should ask the BN is how much are you going to reduce freight rates on grain.

Hopefully I have shed some light on the reason why we need cabooses on freight trains. Thank you for listening.

Sincerely yours
Marlin Koestler

MARLIN KOESTLER
201 WISCONSIN

Whitefish, Montana
January 30, 1987

SENATE LABOR & EMPLOYMENT

ENR 11

DATE 2/3/87

BILL NO. SB 154

Honorable Senator Chet Blaylock
State Capitol Building
Helena, Montana 59601

Dear Sir,

It is my understanding Senate Bill 154 concerning cabooses will be heard in committee in the near future. As a brakeman with 38 years service with the former GN and now the BN I feel I'm well qualified to shed some insight on why we need to keep cabooses on all freight trains.

The EN places much faith in the use of roadside detectors which are located about 20 miles or so apart. Many times our train crews will receive the message Integrity Failure which means detector failed to give proper read out. In this case the train can proceed to the next detector except detectors located on either side of the Flathead Tunnel. It is up to the conductor and rear brakemen to keep watch over the rear portion of the train. Cabooses are very necessary in this case as many of our trains are 4500 ft. to 8000 ft. long. As you can see it would be hard for the head end crew to see those distances. The BN portable radio's do not work in tunnels and around some curves due to dead spots. The Flathead tunnel is seven thousand ft. long. When a train goes into emergency the caboose comes in handy to relay messages to the engineer and vice versa. The brakemen use one of the 20 by fones if there working to call the dispatcher and he informs the Conductor and engineer what the problem is. Many times the tunnel will be full of diesel fumes from the engine and its nice to know there is a rear end crew out helping you find out what the problem is. I have been in the Flathead Tunnel for over one hour trying to find out the problem of why the train went into emergency and its very nerve wracking to say the least. Thank God for the caboose. Many times these roadside detectors give a false reading, but an inspection must be made anyway. In other words there far from fool proof. We need cabooses when decending a montain grade like from Summit to Red Eagle, Mt.. The grade from Summit to Nimrod is 1.8 % and from there to Red Eagle one per cent. Last year if there hadn't been cabooses on the five trains that the air released on without the engineer knowing it there could have been a loss of lives and major damage to BN equiptment. Alert crews on the caboose dumped the air and prevented major derailments. How much are cabooses worth in these cases?? Two possible Amtrack derailments were averted. (Browning & Wolf Prairie). Complete inspections of our trains occur every 1000 miles, but leave a lot to be desired. If the inspections would have been according to the book there would not have been 5 in operable bad order air cars ahead of the caboose at Browning. As it was when the train stopped the caboose and five cars uncoupled from the rest of the train and started eastward due to a one per cent grade, Amtrack was due to go around them. Need I say more. At Wolf Prairie the engineer could not set the train brakes because of a loose turned angle cock, the caboose crew were alerted and they dumped the air. Amtrack was due to meet them at the next station, but due to sticking brakes had to stop and check them out.

Your help in keeping cabooses in Montana would be appreciated.
Thank you.

Marlin Koestler
Sincerely yours,

MARLIN KOESTLER
304 WISCONSIN AVE.

RAILROADS LOSE CAR OF NUCLEAR WASTE

The Federal Government is now looking at a nuclear waste dump site near Hereford, Texas, in the panhandle. In a recent study the Feds recommended moving nuclear material from the east coast via water to the Port of Houston where it would be loaded on rail cars and transported to the Hereford site. The railroad testified that they could safely handle this material as they safely handle all other materials, and that there would be no reason for concern because they would know where this hazardous material was as well as all other hazardous materials located on their lines at all times. Unfortunately the facts do not bear out the boast of the railroads.

U.S. Rail News of December 23, 1986, reports a special flatcar carrying four tons of nuclear waste took a wrong turn to Minnesota on the Burlington Northern earlier this month and ended up sitting in a small town west of Minneapolis. The car was bound for Hanford, Washington.

The low-level waste left Iowa Electric Light and Power Co.'s power plant in Palo, Iowa, on December 12. On December 15, utility officials discovered through a computerized car-tracing system that the specially designed flatcar was sitting in Willmar, Minn. *The Cedar Rapids Gazette* (Iowa) reported that the car had gone north to Waterloo, Iowa, and then west on the Chicago, Central and Pacific. CC&P turned it over to BN at Council Bluffs, Iowa.

Due to what a BN spokesman called "an apparent switching problem," the car was sent north through eastern Nebraska, crossed back into Iowa at Sioux City, and then headed north into Minnesota. "It's under investigation," he said.

In the next few years the volume of nuclear power in the U.S. will almost double. It appears the railroads are very much interested in acquiring nuclear waste traffic between the reactors and the nuclear waste dump sites. It is our hope that the various governmental agencies will look very closely at the safety transportation issues involved and not accept railroad promises at face value. The above incident would have been tragic had any of the material involved leaked from the cars. The railroads obviously could not have helped with any type of emergency response. This could have been a real tragedy.

SENATE LABOR & EMPLOYMENT

EXHIBIT NO 11

DATE 2/3/87

BILL NO SB 154

Equipment inspections for 1986

FREIGHT CARS

Part 215 CFR (wheels, axles, etc.)

Cars inspected	7,810
Cars defective	379
Percent defective	5%
Total defects	426

Part 231/232 CFR (Air brakes and Safety Appliances)

Cars inspected	7,810
Cars defective	663
Percent defective	8%
Total defects	802

LOCOMOTIVES

Part 229 CFR (All locomotive regulations except safety appliances,
this part includes air brake requirements)

Locomotives inspected	587
Locomotives defective	236
Percent defective	40%
Total defects	692

Part 223/232 (Safety appliances)

Locomotives inspected	587
Locomotives defective	59
Percent defective	10%
Total Defects	86

SENATE LABOR & EMPLOYMENT

EXHIBIT NO. 11

DATE 2/3/87

BILL NO. SB 154

CTC TRACK IN MONTANA	1,346 miles
ABS TRACK IN MONTANA	435 miles
SINGLE TRACK MAIN IN MONTANA	343 miles
TRACK BLACK BRANCH & YARDS	
SIDINGS IN MONTANA	896 miles
TOTAL MILES OF TRACKS IN MONTANA	4,800 miles

ABS & CTC TRACK IN MONTANA	3,561 miles
ABS & CTC TRACK IN NORTH DAKOTA	1,239 miles
ABS & CTC TRACK IN WYOMING	1,400 miles

FRA SURVEY ON CABOOSELESS TRAINS 6 RAILROAD INVOLVED
 NORFOLK SOUTHER, C S.X UNION PACIFIC, MISSOURI PACIFIC,
 CONRAIL, SANTA FE.

SENATE LABOR & EMPLOYMENT

EXHIBIT NO. 11

DATE 2/2/37

BILL NO. SB 154

EEK!!!
PRAIRIE FIRE!!!

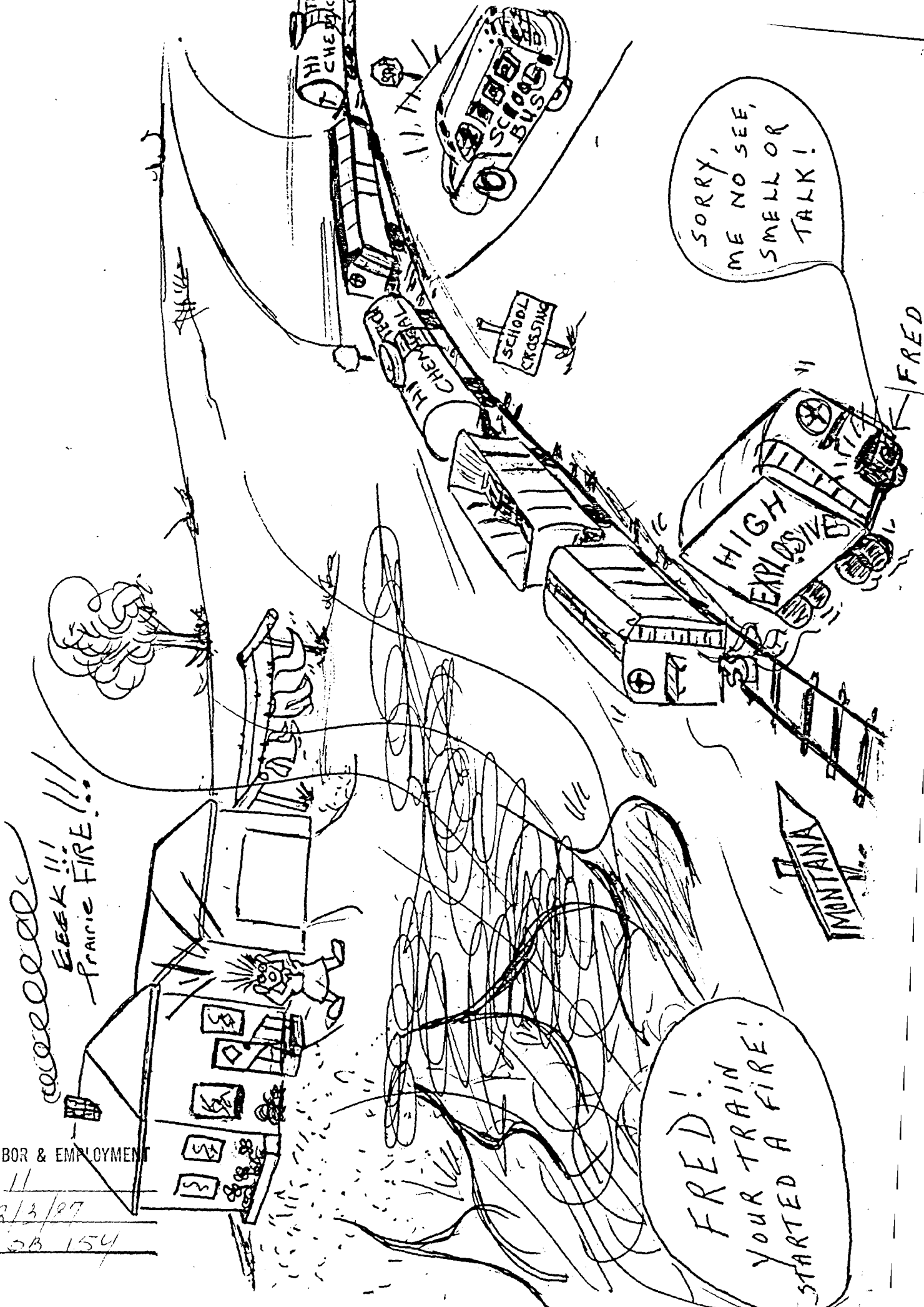
SORRY,
ME NO SEE,
SMELL OR
TALK!

FRED!
YOUR TRAIN
STARTED A FIRE!

FRED

MONTANA

LABOR & EMPLOYMENT
NO 11
3/3/97
0. 2B 154



MAJOR PROBLEM AREAS BY FIXED PROPERTY USE
 FOR PERIOD STARTING 01/01/79 ENDING 12/31/79

PAGE 2
 RUN DATE 02/27/80

FIXED PROPERTY USE 93 OUTDOOR PROPERTIES TOTAL FOR PERIOD 465 PERCENTAGE OF PERIOD INCIDENTS 11.9

CCODE	DESCRIPTION	FREQ	PCT	CODE	DESCRIPTION	FREQ	PCT	CODE	DESCRIPTION	FREQ	PCT
1 94	LAWN/FIELD/OPEN AREA	347	74.6	98	NO EQUIPMENT INVOLVED	341	77.3	00	FORM-HEAT-IGN UNKNOWN	133	28.6
2 92	HIGHWAY,PUBLIC WAY,ST	29	6.2	03	EQUIP-INVOLVED UNKNOWN	54	11.6	45	MATCH	117	25.1
3 46	TRASH AREA/CONTAINER	24	5.1	41	FIXED WIRING	23	4.9	47	OPEN FIRE	57	12.2
4 95	WILDLAND AREA/WOODS	18	3.8	96	VEHICLE	14	3.0	31	CIGARETTE	22	4.7
5 81	TRANS EMP/PASSNGR AREA	6	1.2	81	INCINERATOR	8	1.7	40	OPEN FLAME,SPARK,UNC	16	3.4

CODE	DESCRIPTION	FREQ	PCT	CODE	DESCRIPTION	FREQ	PCT	CODE	DESCRIPTION	FREQ	PCT
1 54	GRASS/LEAVES	298	64.0	74	GRWING/LIVING FCRM	294	63.2	00	IGNITION-FACT UNKNOWN	117	25.1
2 67	UNTREATED PAPER	30	6.4	03	FORM-MATERIAL UNKNOWN	117	25.1	34	INADEQUT CONTR/OPN FRF	69	14.8
3 62	FELLEC/UNSAWN WOOD	18	3.8	75	RUBBISH/TRASH	103	21.5	36	CHILD PLAYING	44	9.4
4 63	SAWN WOOD	17	3.6	71	AGRICULTURAL PRODUCT	13	2.7	31	ABANDONED MATERIAL	40	8.6
5 61	GRWING WOOD	15	3.2	86	GAS/LIQUID FROM PIPE	8	1.7	11	INCENDARY/NO CIVL OSRB	35	7.5

FIXED PROPERTY USE 95 RAILROAD PROPERTIES TOTAL FOR PERIOD 137 PERCENTAGE OF PERIOD INCIDENTS 3.5

CODE	DESCRIPTION	FREQ	PCT	CODE	DESCRIPTION	FREQ	PCT	CODE	DESCRIPTION	FREQ	PCT
1 91	RAILROAD EMBANKMENT	108	78.9	96	VEHICLE	42	30.6	51	FRICITION	42	30.6
2 83	ENGN AREA CF TRANS ECP	11	8.0	98	NO EQUIPMENT INVOLVED	29	21.1	00	FORM-HEAT-IGN UNKNOWN	20	14.5
3 45	SHIPPING/RECEIVING AREA	2	1.4	82	BEARING/BRAKE	27	19.7	13	SPARK/LIQUID FUELED EQUIP	16	11.6
4 52	UTILITY SHAFT	2	1.4	03	EQUIP-INVOLVED UNKNOWN	15	10.9	50	HOT ORFECT,UNC	11	8.0
5 82	TRUNK AREA CF TRANS ECP	2	1.4	66	INTRNL COMBUST ENGINE	9	6.5	45	MATCH	9	5.8

CODE	DESCRIPTION	FREQ	PCT	CODE	DESCRIPTION	FREQ	PCT	CODE	DESCRIPTION	FREQ	PCT
1 54	GRASS/LEAVES	94	68.6	74	GRWING/LIVING FCRM	93	67.8	00	IGNITION-FACT UNKNOWN	25	18.2
2 63	SAWN WOOD	13	9.4	75	RUBBISH/TRASH	9	6.5	56	LACK OF MAINTENANCE	25	18.2
3 25	CLASS II	5	3.6	14	FLOOR COVERING	6	4.3	50	MECH FAILURE/HAL,UNC	13	9.4
4 64	WOOD SHAVINGS	5	3.6	65	FUEL	6	4.3	51	PART FAILURE/LEAK/BREAK	13	9.4
5 67	UNTREATED PAPER	4	2.9	84	CHIPS	4	2.9	79	OPERAT DEFICIENCY,OTH	6	4.3

SENATE LABOR & EMPLOYMENT
 EXHIBIT NO. 11
 DATE 2/3/87
 BILL NO. JR 154

MAJOR PROBLEM AREAS BY FIXED PROPERTY
01/01/79 - 12/31/79

FIXED PROPERTY USE: 93 OUTDOOR PROPERTIES *TOTAL FOR PERIOD: 954 *PERCENTAGE OF PERIOD INCIDENTS: 20.0

AREA OF ORIGIN			EQUIPMENT INVOLVED			FORM OF HPAT		
CODE	DESCRIPTION	FREQ	CODE	DESCRIPTION	FREQ	CODE	DESCRIPTION	FREQ
1	94 Lawn/Field/Open Area	741	98	No Equipment Involved	632	00	Form-Heat-Ign Unknown	303
2	46 Trash Area/Container	49	00	Equip-Involved Unknown	303	45	Match	221
3	92 Highway/Public Way, St	42	00	Equip-Involved Unknown	200	47	Open Fire	95
4	93 Wildland Area/Woods	26	96	Vehicle	30	73	Lightening Discharge	65
5	00 Area-Origin Unknown	23	97	Torches	12	63	Sparklers	50

TYPE OF MATERIAL

FORM OF MATERIAL

IGNITION FACTOR

CODE	DESCRIPTION	FREQ	PCT	CODE	DESCRIPTION	FREQ	PCT	CODE	DESCRIPTION	FREQ	PCT
1	54 Grass/Leaves	704	73.7	74	Growing/Living Form	709	74.3	00	Ignition-Fact Unknown	234	30.8
2	61 Growing Wood	47	4.9	00	Form-Material Unknown	294	30.8	34	Inadequat Conct/Open Fire	111	11.6
3	57 Untreated Paper	32	3.3	75	Rubbish/Trash	123	12.8	36	Child Playing	95	8.9
4	63 Sawn Wood	29	3.0	00	Form-Material Unknown	17	1.7	84	Lightening	65	6.8
5	99 Type-Material, Other	22	2.3	71	Agricultural Product	14	1.4	31	Abandoned Material	61	6.3

FIXED PROPERTY USE: 95 RAILROAD PROPERTIES *TOTAL FOR PERIOD: 220 *PERCENTAGE OF PERIOD INCIDENTS: 4.6

AREA OF ORIGIN			EQUIPMENT INVOLVED			FORM OF HPAT		
CODE	DESCRIPTION	FREQ	CODE	DESCRIPTION	FREQ	CODE	DESCRIPTION	FREQ
1	91 Railroad Embankment	186	96	Vehicle	63	00	Form-Heat-Ign Unknown	61
2	83 Engn Area of Trans Eqp	5	98	No Equipment Involved	60	51	Friction	39
3	94 Lawn/Field/Open Area	5	00	Equip-Involved Unknown	52	13	Spark/Liq Fueled Equip	28
4	86 Exterior Surf Trans Eqp	4	82	Bearings/Brake	16	45	Match	15
5	92 Highway, Public Way, St	4	87	Torches	8	53	Hot Ember/Ash	10

TYPE OF MATERIAL

FORM OF MATERIAL

IGNITION FACTOR

CODE	DESCRIPTION	FREQ	PCT	CODE	DESCRIPTION	FREQ	PCT	CODE	DESCRIPTION	FREQ	PCT
1	54 Grass/Leaves	179	81.3	74	Growing/Living Form	180	81.8	00	Ignition-Fact Unknown	72	32.7
2	53 Sawn Wood	14	6.3	00	Form-Material Unknown	72	32.7	59	Mech Failure/Mal, Oth	26	11.8
3	64 Wood Shavings	4	1.8	99	Form-Material, Other	7	3.1	56	Lack of Maintenance	24	10.9
4	67 Untreated Paper	4	1.8	84	Chips	5	2.2	50	Mech Failure/Mal, Unc	10	4.5
5	99 Type-Material, Other	3	1.3	17	Structural Member	4	1.8	51	Part Failure/Leak/Break	10	4.5

UNION LABOR & EMPLOYMENT
3/3/87
SB 154
BILL NO.

MAJOR PROBLEM AREAS BY FIXED PROPERTY USE
01/01/80 - 12/31/80

FIXED PROPERTY USE: 00 Property Unclassified

*Total for period 104

*Percentage of Period Incidents

SENATE LABS 2
EXHIBIT NO 11
DATE 2/3/87
BILL NO. SB 154

AREA OF ORIGIN			EQUIPMENT INVOLVED			FORM OF HEAT		
CODE	DESCRIPTION	FREQ PCT	CODE	DESCRIPTION	FREQ PCT	CODE	DESCRIPTION	FREQ PCT
1	83 Engine Area of Trans. Equip.	29 27.8	98	No Equipment Involved	56 53.8	45	Match	21 20.1
2	94 Lawn/Field/Open Area	27 25.9	96	Vehicle	18 17.3	00	Form-Heat-Ignition Unknown	19 18.2
3	81 Trunk Area of Trans. Equip.	7 6.7	00	Equipment Involved Unknown	8 7.6	47	Open Fire	8 7.6
4	82 Trunk Area of Trans. Equip.	6 5.7	90	Other, Unclassified	4 3.8	11	Spark/Gas Fueled Equipment	6 5.7
5	00 Area-Origin Unknown	5 4.8	82	Bearing/Brake	2 1.9	12	Heat/Gas Fueled Equipment	6 5.7

TYPE OF MATERIAL			FORM OF MATERIAL			IGNITION FACTOR		
CODE	DESCRIPTION	FREQ PCT	CODE	DESCRIPTION	FREQ PCT	CODE	DESCRIPTION	FREQ PCT
1	54 Grass/Leaves	27 25.9	74	Growing/Living Form	21 20.1	00	Ignition Factor Unknown	16 15.3
2	23 Gasoline	15 14.4	00	Form-Material Unknown	16 15.3	51	Part Failure/Leak/Break	10 9.6
3	00 Type-Material Unknown	9 8.6	75	Rubbish/Trash	12 11.5	34	Inadequate Control/Open Fire	9 8.6
4	63 Sawn Wood	7 6.7	65	Fuel	9 8.6	11	Incendary/No Civil Disturbance	7 6.7
5	43 Polyvinyl	4 3.8	99	Form-Material, Other	7 6.7	31	Abandoned Material	6 5.7

FIXED PROPERTY USE: 95 Railroad Properties

*Total for period 100

*Percentage of Period Incidents: 2.5

AREA OF ORIGIN			EQUIPMENT INVOLVED			FORM OF HEAT		
CODE	DESCRIPTION	FREQ PCT	CODE	DESCRIPTION	FREQ PCT	CODE	DESCRIPTION	FREQ PCT
1	91 Railroad Embankment	78 78.0	98	No Equipment Involved	43 43.0	51	Friction	24 24.0
2	94 Lawn/Field/Open Area	10 10.0	96	Vehicle	29 29.0	00	Form-Heat-Ignition Unknown	22 22.0
3	82 Trunk Area of Trans. Equip.	3 3.0	82	Bearing/Brake	10 10.0	47	Open Flame	9 9.0
4	83 Engine Area of Trans. Equip.	3 3.0	87	Torches	8 8.0	13	Spark/Liquid Fueled Equipment	8 8.0
5	24 Kitchen/Cooking Area	1 1.0	00	Equipment Involved Unknown	4 4.0	45	Match	8 8.0

TYPE OF MATERIAL			FORM OF MATERIAL			IGNITION FACTOR		
CODE	DESCRIPTION	FREQ PCT	CODE	DESCRIPTION	FREQ PCT	CODE	DESCRIPTION	FREQ PCT
1	54 Grass/Leaves	74 74.0	74	Growing/Living Form	73 73.0	00	Ignition Factor Unknown	28 28.0
2	63 Sawn Wood	11 11.0	00	Form-Material Unknown	28 28.0	56	Lack of Maintenance	12 12.0
3	67 Untreated Paper	3 3.0	75	Rubbish/Trash	8 8.0	75	Spontaneous Heating	9 9.0
4	68 Cardboard	2 2.0	99	Form-Material, Other	5 5.0	31	Abandoned Material	8 8.0
5	27 Class III-B	1 1.0	14	Floor Covering	4 4.0	21	Suspicious/No Civil Disturbance	6 6.0

MAJOR PROBLEM AREAS BY FIXED PROPERTY USE
01/01/81 - 12/31/81

FIXED PROPERTY USE: 96 Road Property *Total for Period: 915

*Percentage of Period Incidents: 22.5

ESTIMATE LABOR & EMPLOYMENT
EXHIBIT NO. 11
DATE 2/3/87
BILL NO. 5/3 154

AREA OF ORIGIN

CODE	DESCRIPTION	FREQ	PCT
83	Engn Area of Trans Equip	320	43.9
92	Highway, Public Way, St	166	18.1
46	Trash Area/Container	162	17.7
81	Trans Equip/Passenger Area	76	8.3
94	Lawn/Field/Open Area	52	5.6

EQUIPMENT INVOLVED

CODE	DESCRIPTION	FREQ	PCT
98	No Equipment Involved	507	55.4
96	Vehicle	277	30.2
66	Internal Combust Engine	49	5.3
41	Fixed Wiring	19	2.0
81	Incenerator	13	1.4

FORM OF HEAT

CODE	DESCRIPTION	FREQ	PCT
00	Form-Heat-Ign Unknown	257	28.1
45	Match	141	15.7
48	Backfire From Engine	107	11.6
31	Cigarette	55	6.0
24	Short Circuit--Unspec	42	4.5

TYPE OF MATERIAL

CODE	DESCRIPTION	FREQ	PCT
23	Gasoline	199	21.7
67	Untreated Paper	160	17.4
54	Grass/Leaves	156	17.0
00	Type--Material Unknown	99	10.8
51	Rubber	46	5.0

FORM OF MATERIAL

CODE	DESCRIPTION	FREQ	PCT
75	Rubbish/Trash	224	24.4
65	Puel	170	18.5
74	Growing/Living Form	126	13.7
61	Electrical Wire	97	10.6
00	Form--Material Unknown	95	10.3

IGNITION FACTOR

CODE	DESCRIPTION	FREQ	PCT
00	Ignition--Factor Unknown	175	19.1
31	Backfire	112	12.2
31	Abandoned Material	96	10.4
21	Suspics/No Civil Distb	87	9.5
11	Incendiary/No Civil Distb	83	9.0

FIXED PROPERTY USE: 95 Railroad Properties

*Total for Period: 142

*Percentage of Period Incidents: 3.5

AREA OF ORIGIN

CODE	DESCRIPTION	FREQ	PCT
91	Railroad Embankment	114	80.2
94	Lawn/Field/Open Area	10	7.0
93	Engine Area of Trans Equip	4	2.8
99	Area--Orifin, Other	3	2.1
00	Area--Orifin Unknown	2	1.4

EQUIPMENT INVOLVED

CODE	DESCRIPTION	FREQ	PCT
98	No Equipment Involved	94	59.1
96	Vehicle	32	22.5
87	Torches	9	6.3
82	Bearing/Brake	7	4.9
00	Equip--Involved Unknown	2	1.4

FORM OF HEAT

CODE	DESCRIPTION	FREQ	PCT
00	Form-Heat-Ign Unknown	28	19.7
51	Priction	24	16.9
45	Match	18	12.6
13	Spark/Liq Fueled Equip	15	10.5
52	Molten Material	9	6.3

TYPE OF MATERIAL

CODE	DESCRIPTION	FREQ	PCT
64	Grass/Leaves	105	73.9
63	Sawn Wood	16	11.2
67	Untreated Paper	6	4.2
62	Felled/Unsaawn Wood	3	2.1
00	Type--Material Unknown	2	1.4

FORM OF MATERIAL

CODE	DESCRIPTION	FREQ	PCT
74	Growing/Living Form	101	71.1
00	Form--Material Unknown	44	30.9
75	Rubbish/Trash	11	7.7
99	Form--Material, Other	5	3.5
00	Form--Material Unknown	3	2.1

IGNITION FACTOR

CODE	DESCRIPTION	FREQ	PCT
00	Ignition--Factor Unknown	44	30.9
50	Mech Failure/Mal Function	14	9.8
56	Lack of Maintenance	13	9.1
11	Incendary/No Civil Distb	10	7.0
34	Inadequat Contr/Open Fire	8	5.6

MAJOR PROBLEM AREAS BY FIXED PROPERTY USE
01/01/82 - 12/31/82

FIXED PROPERTY USE: 65 Agriculture

*Total for Period: 108

*Percentage of Period Incidents: 2.4

AREA OF ORIGIN				EQUIPMENT INVOLVED				FORM OF HEAT			
CODE	DESCRIPTION	FREQ	PCT	CODE	DESCRIPTION	FREQ	PCT	CODE	DESCRIPTION	FREQ	PCT
94	Lawn/Field/Open Area	72	66.6	98	No Equipment Involved	76	70.3	00	Room-Heat-Ign Unknown	23	41.3
83	Engn Area of Trans Equip	7	6.4	96	Vehicle	12	11.1	45	Match	12	11.1
09	Area--Origin Unknown	6	5.5	15	Portable Log Heat Unit	3	2.7	89	Fire Sprd (Exposr), Other	10	9.2
91	Railroad Embankment	3	2.7	41	Fixed Wiring	3	2.7	47	Open Fire	8	7.4
39	In Area Not Classified	2	1.8	13	Fixed/Stat Heat Unit	2	1.8	54	Electric Lamp	4	3.7

TYPE OF MATERIAL

FORM OF MATERIAL

IGNITION FACTOR

CODE	DESCRIPTION	FREQ	PCT	CODE	DESCRIPTION	FREQ	PCT	CODE	DESCRIPTION	FREQ	PCT
54	Gross/Leaves	74	68.5	74	Growing/Living Form	51	47.2	00	Ignition-Fact Unknown	23	21.2
63	Sawn Wood	8	7.4	71	Agricultural Product	29	26.8	34	Inadeqte Control/Open Fire	23	21.2
00	Type--Material Unknown	5	4.6	00	Form-Material Unknown	8	7.4	81	High Wind	10	9.2
55	Grain/Natural Fibers	3	2.7	61	Electrical Wire	3	2.7	55	Other Elec Failure	5	4.6
61	Growing Wood	3	2.7	12	Sidewall Covering	2	1.8	84	Lightening	5	4.6

FIXED PROPERTY USE: 95 Railroad Properties

*Total for Period: 104

*Percentage of Period Incidents: 2.3

AREA OF ORIGIN				EQUIPMENT INVOLVED				FORM OF HEAT			
CODE	DESCRIPTION	FREQ	PCT	CODE	DESCRIPTION	FREQ	PCT	CODE	DESCRIPTION	FREQ	PCT
91	Railroad Embankment	85	81.7	98	No Equipment Involved	58	55.7	00	Room-Heat-Ign Unknown	46	44.2
04	Lawn/Field/Open Area	13	12.5	96	Vehicle	25	24.0	51	Periction	20	19.2
82	Trunk Area of Trans Equip	3	2.8	82	Beating/Trake	10	9.6	13	Spark/Flg Fuelled Equip	6	5.7
46	Trash Area/Container	1	0.9	66	Internal Combust Engine	3	2.8	45	Match	6	5.7
74	Coiling Roof Assembly	1	0.9	87	Torches	3	2.8	47	Open Fire	5	4.8

TYPE OF MATERIAL

FORM OF MATERIAL

IGNITION FACTOR

CODE	DESCRIPTION	FREQ	PCT	CODE	DESCRIPTION	FREQ	PCT	CODE	DESCRIPTION	FREQ	PCT
54	Grass/Leaves	35	81.7	74	Growing/Living Form	30	80.7	00	Ignition-Factor Unknown	43	41.3
63	Sawn Wood	10	9.6	75	Rubbish/Trash	5	4.8	99	Ignition-Factor Other	11	10.5
04	Wood Shavings	2	1.9	72	Fence/Post	4	3.8	51	Part Failure/Peak/Break	7	6.7
00	Type-Material Unknown	1	0.9	00	Form-Material Unknown	2	1.9	61	Design Deficiency	7	6.7
60	Wood/Trapper, Inc	1	0.9	15	Interior Wall Covering	2	1.9	11	Incendary/No Civil Distb	5	4.8

SENATE LABOR & EMPLOYMENT
EXHIBIT NO. 11
DATE: 2/3/87
BILL NO. SB 154

MAJOR PROBLEM AREAS BY FIXED PROPERTY USE
01/01/83 - 12/31/83

FIXED PROPERTY USE: 96 Road Property

*Total for Period: 1,109

*Percentage of Period Incidents: 21.0

SEPARATE LABOR & EMPLOYMENT

FILE NO. 11
3/3/87
BILL NO. 5B 154

AREA OF ORIGIN

CODE	DESCRIPTION	FREQ	PCT
83	Train Area of Trac Equip	466	42.0
46	Trash Area/Container	216	19.4
92	Highway, Public Way, St	173	15.5
81	Trans Bkg/Passenger Area	63	5.6
00	Area-Origin Unknown	46	4.1

EQUIPMENT INVOLVED

CODE	DESCRIPTION	FREQ	PCT
98	No Equipment Involved	622	56.0
96	Vehicle	327	29.4
66	Internal Combust Engine	68	6.1
41	Fixed Wiring	22	1.9
87	Torches	13	1.1

FORM OF HEAT

CODE	DESCRIPTION	FREQ	PCT
00	Form-Heat-Ign Unknown	299	26.9
48	Backfire From Engine	163	14.6
45	Match	142	12.8
31	Cigarette	68	6.1
24	Short Circuit-Unspec	52	4.6

TYPE OF MATERIAL

CODE	DESCRIPTION	FREQ	PCT
23	Gasoline	292	26.3
67	Untreated Paper	285	25.6
00	Type-Material Unknown	120	10.8
54	Grass/Leaves	119	10.7
51	Rubber	49	4.4

FORM OF MATERIAL

CODE	DESCRIPTION	FREQ	PCT
75	Rubbish/Trash	308	27.7
65	Fuel	267	24.0
00	Form-Material Unknown	142	12.8
74	Growing/Living Form	110	9.9
61	Electrical Wire	105	9.4

IGNITION FACTOR

CODE	DESCRIPTION	FREQ	PCT
00	Ignition-Fact Unknown	239	21.5
57	Backfire	160	14.4
21	Abandoned Material	127	11.4
51	Part Failure/Leak/Break	99	8.9
11	Incendary/No Civil Disturb	89	8.0

FIXED PROPERTY USE: 95 Railroad Properties

*Total for Period: 244

*Percentage of Period Incidents: 4.6

AREA OF ORIGIN

CODE	DESCRIPTION	FREQ	PCT
91	Railroad Embankment	109	21.5
94	Lawn/Tie-3/Open Area	24	9.8
83	Engine Area of Trains Equip	7	2.8
86	Exterior Surf Trains Equip	4	1.6
46	Trash Area/Container	2	0.8

EQUIPMENT INVOLVED

CODE	DESCRIPTION	FREQ	PCT
92	No Equipment Involved	149	61.0
96	Vehicle	31	12.7
82	Bearing/Brake	22	9.0
87	Torches	11	4.5
66	Internal Combust Engine	8	3.2

FORM OF HEAT

CODE	DESCRIPTION	FREQ	PCT
00	Form-Heat-Ign Unknown	100	40.9
13	Friction	52	21.3
13	Spark/Liq Fueled Equip	22	9.0
50	Hot Object, Unc.	12	4.9
45	Match	10	4.0

TYPE OF MATERIAL

CODE	DESCRIPTION	FREQ	PCT
54	Grass/Leaves	210	86.0
63	Sawn Wood	18	7.3
23	Gasoline	2	0.8
55	Grain/Natural Fibers	2	0.8
62	Pelleted/Insawn Wood	2	0.8

FORM OF MATERIAL

CODE	DESCRIPTION	FREQ	PCT
74	Growing/Living Form	206	84.4
17	Structural Member	6	2.4
71	Agricultural Product	6	2.4
75	Rubbish/Trash	6	2.4
72	Fence/Pole	5	2.0

IGNITION FACTOR

CODE	DESCRIPTION	FREQ	PCT
00	Ignition Factor Unknown	68	27.8
56	Lack of Maintenance	41	16.8
50	Mechanical Failure/Malfunction	21	8.6
51	Part Failure/Leak/Break	17	6.9
35	Cutting/Welding Close	13	5.3

MAJOR PROBLEM AREAS BY FIXED PROPERTY USE

01/01/84 - 12/31/84

FIXED PROPERTY USE: 96 Road Property

*Total for Period: 1,118

Percentage of Period Incidents: 20.9

UNION LABOR & EMPLOYMENT
EXHIBIT NO. 2/3/87
32154

AREA OF ORIGIN			EQUIPMENT INVOLVED			FORM OF HEAT						
CODE	DESCRIPTION	FREQ.	PCT	CODE	DESCRIPTION	FREQ.	PCT	CODE	DESCRIPTION	FREQ.	PCT	
1	83	Expn Area of Trans Eqp.	381	34.0	98	No Equipment Involved	712	63.6	00	Form-Heat-Ign Unknown	378	33.8
2	46	Trash Area/Container	259	23.1	96	Vehicle	245	21.9	45	Match	140	12.5
3	92	Highway, Public Way, St	184	16.4	66	Internal Combust Engine	65	5.8	48	Backfire From Engine	88	7.8
4	00	Area-Origin Unknown	82	7.3	41	Bearing/Wiring	16	1.4	31	Cigarette	52	4.6
5	81	Trans Eqp/Passngr Area	61	5.4	82	Bearing/Brake	12	1.0	24	Short Circuit-Unspec	41	3.6

TYPE OF MATERIAL			FORM OF MATERIAL			IGNITION FACTOR						
CODE	DESCRIPTION	FREQ.	PCT	CODE	DESCRIPTION	FREQ.	PCT	CODE	DESCRIPTION	FREQ.	PCT	
1	67	Untreated Paper	299	26.7	75	Rubbish/Trash	323	28.8	00	Ignition-Fact Unknown	330	29.5
2	23	Gasoline	217	19.4	65	Fuel	185	16.5	31	Abandoned Material	135	12.0
3	54	Grass/Leaves	172	15.3	00	Form-Material Unknown	177	15.8	57	Backfire	96	8.5
4	00	Type-Material Unknown	149	13.3	74	Growing/Living Form	156	13.9	51	Part Failure/Leak/Break	88	7.8
5	51	Rubber	48	4.2	61	Electrical Wire	85	7.6	21	Suspics/No Cival Distb	83	7.4

FIXED PROPERTY USE: 95 Railroad Properties

*Total For Period: 336

Percentage of Period Incidents: 6.3

AREA OF ORIGIN			EQUIPMENT INVOLVED			FORM OF HEAT						
CODE	DESCRIPTION	FREQ.	PCT	CODE	DESCRIPTION	FREQ.	PCT	CODE	DESCRIPTION	FREQ.	PCT	
1	91	Railroad Embankment	200	59.5	98	No Equipment Involved	231	68.7	00	Form-Heat-Ign Unknown	159	47.3
2	94	Lawn/Field/Open Area	98	29.1	96	Vehicle	48	14.2	13	Spark/Liq Fueled Equip	31	9.2
3	92	Highway, Public Way, St	14	4.1	66	Internal Combust Engine	18	5.3	51	Friction	31	9.2
4	83	Engn Area of Trans Eqp	10	2.9	82	Bearing/Brake	9	2.6	52	Molten Material	16	4.7
5	00	Area-Origin Unknown	6	1.7	87	Torches	8	2.3	83	Flying Spark	10	2.9

TYPE OF MATERIAL			FORM OF MATERIAL			IGNITION FACTOR						
CODE	DESCRIPTION	FREQ.	PCT	CODE	DESCRIPTION	FREQ.	PCT	CODE	DESCRIPTION	FREQ.	PCT	
1	54	Grass/Leaves	292	86.9	74	Growing/Living Form	292	86.9	00	Form-Heat-Ign Unknown	195	58.0
2	74	Fur/Silk	13	3.8	54	Rope	13	3.8	56	Lack of Maintenance	20	5.9
3	63	Sawn Wood	10	2.9	00	Form-Material Unknown	11	3.2	57	Backfire	15	4.4
4	00	Type-Material Unknown	4	1.1	75	Rubbish/Trash	8	3.2	59	Mech Failure/Mal, Oth	14	4.1
5	67	Untreated Paper	3	0.8	65	Fuel	3	0.8	51	Part Failure/Leak/Break	13	3.8

STATE - MT

COUNTY - ALL

REPORT PERIOD - 01/01/85 THRU 12/31/85
FIRE DEPARTMENT - ALL

SENATE LABOR & EMPLOY
EXHIBIT NO. 11
DATE 2/3/87
BILL NO. 28-50

PAGE 0
VOID - ALL

FIXED PROPERTY USE: 96 ROAD PROPERTY

TOTAL FOR PERIOD: 989

PERCENTAGE OF PERIOD: 100

INCIDENTS: 11

AREA OF ORIGIN

EQUIPMENT INVOLVED

FORM OF HEAT

CODE	DESCRIPTION	FREQ	PCT	CODE	DESCRIPTION	FREQ	PCT	CODE	DESCRIPTION	FREQ	PCT
1	ENGN AREA OF TRANS EQP	467	48.1	00	NO EQUIPMENT INVOLVED	413	41.7	00	DESCRIPTION-IGN UNKNOWN	247	24.7
2	TRASH AREA/CONTAINER	183	19.7	96	VEHICLE	324	33.7	42	BACKFIRE FROM ENGINE	123	12.3
3	TRUCK EQUI/PASSNGR AREA	62	6.4	00	INTRNL COMBUST ENGINE	16	1.6	45	MATCH	72	7.2
4	HIGHWAY/PUBLIC PAVIST	62	6.4	96	FIXED WIRING	9	0.9	31	CIGARETTE	42	4.2
5	AREA-ORIGIN UNKNOWN	34	3.4	41	FIXED WIRING	9	0.9	53	HOT WEEB/ASH	34	3.4

TYPE OF MATERIAL

FORM OF MATERIAL

IGNITION FACTOR

CODE	DESCRIPTION	FREQ	PCT	CODE	DESCRIPTION	FREQ	PCT	CODE	DESCRIPTION	FREQ	PCT
1	GASOLINE	242	24.5	65	FUEL	276	27.9	00	IGNITION-FACT UNKNOWN	459	45.9
2	TYPE-VAILED UNKNOWN	220	22.2	00	FORM-MATERIAL UNKNOWN	234	23.5	57	BACKFIRE	125	12.5
3	UNTREATED PAPER	147	14.8	75	MUSH/FRASH	155	15.5	31	ABANDONED MATERIAL	102	10.2
4	GRASS/LEAVES	50	5.0	51	ELECTRICAL WIRE	40	4.0	11	INCENDARY/NG CIVL CSRS	60	6.0
5	MUSSEL	30	3.0	74	GROWING/LIVING FORM	39	3.9	51	PART FAILURE/LEAK/BREAK	38	3.8

FIXED PROPERTY USE: 95 RAILROAD PROPERTIES

TOTAL FOR PERIOD: 246

PERCENTAGE OF PERIOD: 100
INCIDENTS: 4.5

AREA OF ORIGIN

EQUIPMENT INVOLVED

FORM OF HEAT

CODE	DESCRIPTION	FREQ	PCT	CODE	DESCRIPTION	FREQ	PCT	CODE	DESCRIPTION	FREQ	PCT
1	RAILROAD EMBANKMENT	90	37.0	94	NO EQUIPMENT INVOLVED	145	59.0	00	FORM-HEAT-IGN UNKNOWN	114	45.8
2	LAWN/FIELD/OPEN AREA	53	21.5	87	VEHICLE	7	2.8	53	HOT EMBER/ASH	9	3.6
3	AREA-ORIGIN UNKNOWN	9	3.7	00	INTRNL COMBUST ENGINE	4	1.6	12	SPARK/LIQU FUELED EQUIP	6	2.4
4	TRUCK AREA OF TRNS EQP	4	1.6	00	FIXED WIRING	2	0.8	51	FRICITION	6	2.4
5	TRNS/VEH NOT CLASSIFIED	3	1.2	41	FIXED WIRING	2	0.8	53	SPARKLERS	6	2.4

TYPE OF MATERIAL

FORM OF MATERIAL

IGNITION FACTOR

CODE	DESCRIPTION	FREQ	PCT	CODE	DESCRIPTION	FREQ	PCT	CODE	DESCRIPTION	FREQ	PCT
1	GRASS/LEAVES	143	58.1	74	GROWING/LIVING FORM	145	59.0	00	IGNITION-FACT UNKNOWN	168	66.9
2	TYPE-MATERIAL UNKNOWN	12	4.8	00	FORM-MATERIAL UNKNOWN	12	4.8	56	LACK OF MAINTENANCE	32	12.3
3	SAW WOOD	7	2.8	15	INTERIOR WALL COVERING	2	0.8	36	CHILD PLAYING	6	2.3
4	ACETYLENE	1	0.4	61	ELECTRICAL WIRE	2	0.8	35	CUTTING/WELDING CLOSE	7	2.7
5	CLASS II	1	0.4	65	FUEL	2	0.8	59	MECH FAILURE/WALLOTH	5	1.9

FOOTNOTE: THE PCT COLUMN REFLECTS THE PERCENT OF FREQUENCY WITHIN THE FIXED PROPERTY USE GROUP.

JOHN F. SYTSMA
Chairman

W. J. WANKE
Vice Chairman

B. of L. E. Building
Cleveland, Ohio 44114

P. T. KERRIGAN
Secretary &
National Legislative
Representative

819 Railway Labor Building
400 First Street, N.W.
Washington, D.C. 20001-2087

Brotherhood of Locomotive Engineers

National Legislative Board

MEMO

TO: State Legislative Board Chairmen - U.S.

FROM: P. T. Kerrigan, Secretary and
National Legislative Representative

DATE: October 28, 1985

Last week, the Federal Railroad Administration conducted a three-day safety inquiry into rear-end marking devices, power brake regulations, blue flag regulations and telemetary devices. The BLE, in conjunction with the RLEA, presented testimony. In the BLE's presentation, the two Resolutions adopted at the June 1985 meeting of the National Legislative Chairmen's Association, concerning telemetary devices and radio communications, were included. (Copies attached).

Earlier this same week, FRA conducted their alcohol and drug regulations seminar here in Washington. Brothers Jones (KS) and McCarthy (WY), were in Washington to attend the seminar and when advised of the forthcoming safety inquiry, stayed over to attend. Because of their working experiences with telemetary devices, they were invited to join the RLEA in the panel presentation.

During the safety inquiry, John Riley, Federal Railroad Administrator, advised that within the next 60 to 90 days, the FRA will conduct a safety inquiry into radio communications. In this regard, it would be appreciated if you would forward this office any information you have on this subject so that we may begin preparing our presentation to the FRA.

Encs.

cc: John F. Sytsma, Chairman
W. J. Wanke, Vice Chairman

SENATE LABOR & EMPLOYMENT
EXHIBIT NO. 11
DATE 2/3/87
BILL NO. SA 154

Serving Since 1863



October 25, 1985

STATEMENT OF THE RAILWAY LABOR EXECUTIVES' ASSOCIATION
ON FRA DOCKET NO. PB-7, NOTICE 1;
RAILROAD POWER BRAKES AND DRAWBARS

My name is J.R. Snyder and I am testifying today as Chairman of the Safety Committee of the Railway Labor Executives' Association. Accompanying me are Paul Kerrigan, Vice President and National Legislative Representative of the Brotherhood of Locomotive Engineers, William D. Crawford, Vice President and National Legislative Representative for the Brotherhood of Railway Carmen of the United States and Canada and Lawrence M. Mann, Counsel for the RLEA in this proceeding. In presenting our testimony on behalf of RLEA, the UTU, the BLE and the Carmen organizations each will present a panel of experienced railroad workers who have personal knowledge of the subject matter of this hearing.

First, I would like to discuss the overall position of RLEA on this rulemaking. We request that all of our complaints concerning the telemetry devices used on the rear of trains be made a part of this hearing record. The waivers that FRA has granted to the six railroads have amounted to nothing more than a big joke nationwide. Those carriers have not complied with the requirements of the waivers as evidenced by the many complaints that our offices have received, and which will be further verified by the witnesses on behalf of the RLEA. In addition, many other railroads are using the telemetry devices as if a nationwide rule had been granted to them. However, the FRA has done

SENATE LABOR & EMPLOYMENT
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BILL NO. SB 154

nothing to require those carriers to comply fully with the ~~power~~
brake regulations.

Since it appears that the FRA has already pre-determined the results of this proceeding, some assurances should be built in that the telemetry devices be kept in good working condition at all times, that it is being utilized in lieu of existing regulations. Since these devices are not an adequate substitute for proper train monitoring other than the brakes, there must be additional assurances of the safety of the train operations including (1) installation of overheated bearing/wheel detectors; (2) installation of dragging/derail equipment detectors; (3) installation of other types of detections such as shifted loads, high-wide loads, loose wheel detectors; (4) there should be specified safety procedures to follow when the rear end device fails. We are aware of many cases in which the device has failed and the railroad did nothing to repair the device for many hundreds of miles; (5) the telemetry system must be capable of providing the locomotive engineer with current and accurate information regarding the status of the train rear marker light, including the level of battery reserve for the proper operation of both the telemetry system and the marker light until the train is given another initial terminal test; (6) Because the safety of the entire train operations must be considered when permitting the use of the telemetry device, the train length should be restricted. Trains equipped with telemetry system should not exceed 2500 feet in either local service and or through service.

SENATE LABOR & EMPLOYMENT
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BILL NO. SD 154

In addition, any ^{CARS} ~~trains~~ carrying hazardous materials should be no further than 1500 feet from the trailing locomotive.

As to the tests permitted on the six railroads, we frankly think that the accumulated data from them is invalid. Our members inform us that they took no part in providing the information for the written records each month that was required by FRA. Confidence in the data may not be important to FRA, but is is critical to the safety of operations if there is reliance on the faulty information. These reports should have included the observations of the train crew members who have ridden on trains.

Now I would like to introduce the members of the various panels. First, I will call up to the witness table the UTU representatives. They are: Michael C. Courogen, Michael F. Bannister, Cornelius M. English and Clarence R. Wolf, Jr. When their testimony is completed, Mr. Kerrigan and Mr. Crawford will introduce the witnesses from both respective unions.

SENATE LABOR & EMPLOYMENT
EXHIBIT NO. 11
DATE 2/3/87
BILL NO. SB 154

October 25, 1985

FRA Docket No. PB-7, Notice 1;
Railroad Power Brakes and Drawbars

My name is Leroy Jones and I am Chairman of the Kansas State Legislative Board for the Brotherhood of Locomotive Engineers. Accompanying me today is Kevin McCarthy, Chairman of the Wyoming Legislative Board for the Brotherhood of Locomotive Engineers.

The Brotherhood of Locomotive Engineers has expressed concern in a number of areas of the regulations concerning use and maintenance of the telemetary devices. We have had enough concern in these areas that a great deal of time was spent discussing this subject matter at our National Association of State Legislative Chairmen's meeting in Minot, North Dakota this past June. Some thirty (30) Chairmen throughout the U.S. were in attendance.

Because of the great amount of concern in this new area of technology, our Chairmen's Association adopted a Resolution pertaining to the use of telemetary systems throughout the United States. Brother McCarthy will elaborate and present this Resolution before this body. This Resolution has also been adopted as policy by the International Division of the Brotherhood of Locomotive Engineers.

We are not here to stand in the way of new technology in our industry but are here to make sure that this new technology is absolutely safe to be used by the Locomotive Engineer, but, because of past practices in our industry, we are not able to assume that this new technology will be perfectly safe.

We as Locomotive Engineers feel that the following suggestions should be adopted by the Federal Railroad Administration in issuing their final rule pertaining to telemetary devices.

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1. Require the color of the lens of the rear marker on the end of train unit be the color red.

2. Require that if the device fails enroute, that it will be replaced at the next crew change point, not at the next repair point as now is the case.

3. Require that the telemetary device should be so equipped that the Locomotive Engineer can make an emergency application of the brakes from the end of train unit by activating it from the receiver display unit on the lead locomotive.

4. Require that the receiver display unit be on the lead locomotive and that this display unit be on the side from which the Locomotive Engineer is controlling the train.

5. Require to have a written certification given to the Locomotive Engineer so that the Engineer, without a doubt, knows that the device is functioning properly on the rear of his train before he leaves the terminal.

6. Require that the Locomotive Engineer will be the designated employee to make the initial terminal air test on the locomotive. (Example: Attached letter from Division #392, dated September 29, 1985).

7. Require that if a train does not have a caboose, that a telemetary device will be required on all trains. This is so that the Locomotive Engineer will constantly know what the rear end of his train is doing.

In closing, I would like to thank the Federal Railroad Administration for allowing the Brotherhood of Locomotive Engineers the opportunity to express our feelings on this matter.

Now, I would like to introduce Brother Kevin McCarthy for further testimony.

SENATE LABOR & EMPLOYMENT

EXHIBIT NO. 11

DATE 2/3/87

FILE NO. SLB 15-61

SECRETARY-TREASURER

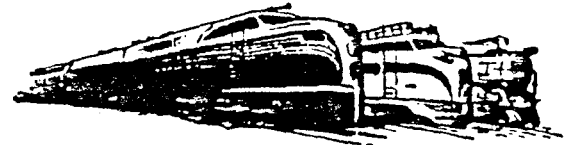
G.H. REITHMEIER
701 9TH ST. W
HAVRE, MT 59501

PRESIDENT

R.R. WILLIAMS
4904 CO. RD. 301 SE
HAVRE, MT 59501

LOCAL CHAIRMAN

J.T. LOWE
1358 BOULEVARD AVE.
HAVRE, MT 59501



Brotherhood of Locomotive Engineers

DIVISION 392

September 29, 1985

Mr. Paul T. Kerrigan
National Legislative Representative
819 Railway Labor Bldg.
400 First St., N.W.
Washington, D.C. 20001

Dear Sir and Brother:

Division 392 of the Brotherhood of Locomotive Engineers in Havre, Montana is pleased to hear that you will be representing our organization at your meetings with the Secretary of Transportation concerning the Federal Railroad Administration.

Our Division respectively submits these areas of concern.

First, there are not a sufficient number of FRA inspectors. This leads us to believe that these men are given to much territory to handle. With this in mind the carrier takes full advantage of the situation by not complying with federal regulations.

Next, the 1000 mile inspection point is changed at random. During the winter of 1984 it was moved from Havre, Montana to Whitefish, Montana because of the warmer climate west of the divide. There are no carmen facilities in Whitefish so carrier officials were supposed to make the 1000 mile inspections.

Also, hazardous materials have not been reported in train consists on occasions. With toxic materials becoming more commonplace on today's railroads greater safety precautions for train crews should be exercised.

Last, rules which cover terminal air tests allow too much time between the air test and train departure. Trains can be tested hours or even days before leaving a terminal. Temperature changes from train air test to train departure may vary causing still another potentially dangerous situation of inadequate braking.

These are some of the areas we feel the FRA could police more closely in the interest of public safety and the safety of the train crew.

We hope this will give you added information. If we can be of further assistance please call.

SENATE LABOR & EMPLOYMENT

EXHIBIT NO. 11

DATE 2/3/87

BILL NO. SB 1511

Fraternally yours,

J.T. Lowe
Serving Since 1863



October 25, 1985

FRA Docket No. PB-7, Notice 1;
Railroad Power Brakes and Drawbars

My name is Kevin McCarthy and I am Chairman of the Wyoming State Legislative Board for the Brotherhood of Locomotive Engineers.

I would like to read at this time the Resolution on telemetry devices. (Copy attached).

Another area of concern with Locomotive Engineers is the failure of the batteries that support the telemetry devices during severe cold weather to which I have personal experience.

During the last three days of this Safety Inquiry, communications has constantly been mentioned by all parties testifying as an intergral part of our industry. Our Chairmen's Association adopted another Resolution in the communications area and I would like to read this Resolution as part of the record. (Copy attached).

For the record, I am also attaching a copy of a law enacted by the State of Wyoming on February 18, 1985 on communications.

We present the subject of communications because of past statements that with proper radio communications, a Locomotive Engineer can be contacted and advised that the telemetry device is working properly and we believe that as Locomotive Engineers, that the telemetry device and a properly working radio complement each other.

We, in Wyoming, have been working with the Pulse telemetry device since last October. I will try to answer any questions that you have on the telemetry devices.

I thank you for your time in letting me make this presentation.

SENATE LABOR & EMPLOYMENT
EXHIBIT NO. _____
DATE 2/2/87
BILL NO. SB 1561

RESOLUTION

BE IT RESOLVED, that the National Association of State Legislative Board Chairmen of the BLE, due to no federal regulation requiring that locomotives be equipped with a radio,

AND, that if a locomotive is equipped with a radio, there is no federal regulation requiring the locomotive radio to be in working condition,

AND, that if the radio does work, it may not have proper channels for the communication between engine and caboose or engine and dispatcher

THEREFORE, BE IT RESOLVED, because of this unsafe working condition that the National Association of State Legislative Board Chairmen of the BLE urge the Federal Railroad Administration to set rules and regulations requiring all lead locomotives in the consist be equipped with working radios and that they have the proper frequency for the railroad for which the locomotive is used,

AND, that it be filed with the Federal Railroad Administration and the Resolutions Committee of the International Division.

SENATE LABOR & EMPLOYMENT
EXHIBIT NO. _____
DATE _____
BILL NO. _____

RESOLUTION

BE IT RESOLVED, that because of the extensive use of train telementary systems throughout the U.S.,

AND, that the National Association of State Legislative Board Chairmen of the BLE have a number of concerns with these devices,

AND, that we request that the Receiver Display Unit (RDU) be on the lead locomotive,

AND, that the color of the lens of the rear marker on the end of train unit (ETU) be the color red.

AND, that there should be a way to initiate an emergency application of the brakes from the end of train unit from the Receiver Display Unit on the lead locomotive,

THEREFORE, be it resolved that the National Association of State Legislative Board Chairmen of the BLE urge the Federal Railroad Administration to include these items in their regulations and rules that they are presently considering.

SENATE LABOR & EMPLOYMENT

EXHIBIT NO. 11

DATE 2/3 1977

BILL NO. SB 154

ORIGINAL HOUSE
BILL NO. 0343

ENROLLED ACT NO. 73, HOUSE OF REPRESENTATIVES

FORTY-EIGHTH LEGISLATURE OF THE STATE OF WYOMING
1985 GENERAL SESSION

AN ACT to create W.S. 37-9-505 relating to railroads; requiring trains to be equipped with two-way radios; providing penalties; and providing for an effective date.

Be It Enacted by the Legislature of the State of Wyoming:

Section 1. W.S. 37-9-505 is created to read:

37-9-505. Two-way radios required; penalty.

(a) When a railroad train is operated in Wyoming with a caboose, it shall be equipped with operable, two-way radios located in the lead locomotive and in the caboose. The radios shall have and be operated at the same frequency as the control operator on the railroad on which the train is operated if the control operator is equipped with radios.

(b) When a railroad train is operated in Wyoming without a caboose, the train crews shall be supplied with an operable, portable two-way radio. The radio shall have and be operated at the same frequency as the control operator on the railroad on which the train is operated if the control operator is equipped with radios.

(c) Violation of this section is a misdemeanor punishable by a fine of not more than seven hundred fifty dollars (\$750.00). Each train operating without the required radios is a separate violation.

SENATE LABOR & EMPLOYMENT
EXHIBIT NO. 1
DATE 2/3/87
BILL NO. SB 104

ORIGINAL HOUSE
BILL NO. 0343

ENROLLED ACT NO. 73, HOUSE OF REPRESENTATIVES
FORTY-EIGHTH LEGISLATURE OF THE STATE OF WYOMING
1985 GENERAL SESSION

Section 2. This act is effective May 23, 1985.

(END)

Deanna A. Sida
Speaker of the House

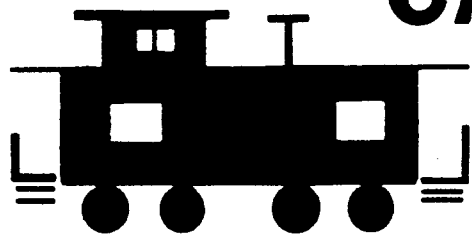
Gerald E. Geis
President of the Senate

Ed H. Snider
Governor

TIME APPROVED: 4:30 PM

DATE APPROVED: 2/18/85

SENATE LABOR & EMPLOYMENT
EXHIBIT NO. 11
DATE 2/13/87
BILL NO. SB 154



**CABOOSES PREVENT
DISASTERS!**

KEEP MONTANA SAFE

HB 408



**united
transportation
union**

SENATE LABOR & EMPLOYMENT

EXHIBIT NO. 12

DATE 2/3/87

BILL NO. SB 154

Complete copy with
original

UNITED TRANSPORTATION UNION'S

CABOOSE AGREEMENT

OF OCTOBER, 1982

Contrary to potential claims by opponents of the proposed cochoose legislation, this legislation in no way violates agreements between The B.N. Railroad and the United Transportation Union.

Some railroads have been publicly proclaiming that the UTO had already signed an agreement eliminating the cochoose in exchange for money. This is misleading, to say the least.

In 1982, the national negotiations between the railroads and the United Transportation Union proved unsuccessful. President Reagan established Presidential Emergency Board 145, as provided in Section 10 of the Railway Labor Act, requiring the Board to issue a report within 90 days.

The Emergency Board made a wide range of suggestions, on a multitude of complex matters, in a recommended settlement of the National Wage and Rule Movement. One of the issues in this recommended settlement was the limited removal of cabooses on freight trains. This was also requested by the railroads when they served their Section 6 notice on the UTO.

The Board's recommendations addressed a comprehensive list of items still in dispute between the parties and conducted an independent analysis of any one of the items before it. The recommendation on cochoose removal was an attempt to answer a very complex problem in the most general type of fashion. This recommendation simply indicated specific guidelines under which removal could be accomplished without catastrophic results impacting operating safety.

By accepting these recommendations, the United Transportation Union signed under duress. (The only other option was ultimately to strike!) In signing this agreement, the UTO (A) indicated that the Guidelines would not violate existing collective bargaining agreements if the guidelines were strictly adhered to by the railroads, and (B) indicated that the unions did not wish to have a national work stoppage, thereby crippling the nation's transportation system and negatively impacting the general public welfare, over the cochoose removal issue at the national level (leaving open the possibility of individual state safety regulations in this area).

The guidelines for removal of cabooses include:

- (A) Safety of employees;
- (B) Operating safety, including train length;
- (C) Effect upon employees' duties and responsibilities resulting from working without a caboose; and
- (D) Availability of safety, stationary, and collective seating arrangements for all employees on the train consist.

These guidelines contain no mention of public safety, which is, supposedly, to be addressed during local negotiations. Unfortunately, as Federal Railroad Administrator John Riley has observed, "There is no one at the collective bargaining table representing the public."

It must be pointed out that at no time of the agreement have the employees received one cent for the operation of a cabooseless train.

Just how "safe" are cabooseless train operations? The railroads and Federal regulators have conducted no studies to determine either safety or cost savings for such operations. The railroads are, however, incorrectly alleging that a 1960 study by the Interstate Commerce Commission Office of Policy and Analysis supported cabooseless train operations.

At no time has the ICC's Office of Policy and Analysis conducted such a study, nor has the ICC itself taken any position with respect to the safety of cabooseless train operations.

H.V.F.D. RAILROAD RESPONSES 1984 TO 1987

Mr. Chairman.

The Harlem Volunteer Fire Department is responsible for fire suppression on 35 miles of Burlington Northern railway, twenty miles to the east and 15 miles to the west. The railway to the east is located in a very sparsely populated area with an occasionally traveled county gravel road along it. We depend on Burlington Northern to report railway related fires in this area and at the present they have an excellent record of reporting fires to us before they, in normal cases, become too large. I can not tell you how many fires are reported from the engine or the caboose but common sense tells me that it would be much easier for an observer in the caboose to see ahead than for an engineer to tell what is happening behind him.

Are railway fires a real problem? In 1984 the H.V.F.D. responded to 20 railway fires, 13 of which were east of Harlem in the area that I just talked about. They ranged from small grass fires to large fires where buildings were consumed and 2000 railway ties were burned. In 1985 we only responded to 4 fires and 1986 we responded to 8 railway related fires. The number of fires that we respond to along the railway is directly related to the rainfall we receive. When the grass along the tracks is dry, we can depend on at least one fire per week in the summer months.

Fires are just one of the problems that volunteer fire departments deal with that are railway related. If we as volunteers knew all the hazardous chemicals and other potentially disaster causing materials that were transported through our area of responsibility daily we would all probably find other ways of volunteering our time. The thought of transporting these type materials without anyone on the rear of the train who could see or smell a possible leak or problem scares me very much. Every train that goes down that track passes through the community of Harlem and I fear for the safety of our community

I therefore as a representative of the H.V.F.D. would like to go on record in opposition to [REDACTED] and ask for your support of our position.

Senate Bill 154

Kraig Hansen

Kraig Hansen

SENATE LABOR & EMPLOYMENT
EXHIBIT NO. 13
DATE 2/3/87
BILL NO. SB 154

PURLINGTON NORTHERN FIRES RESPONDED TO BY THE H.V.F.D. 1984 TO 87

DATE	LOCATION	TRUCKS RESPONDING	INCIDENT
1984			
2/6	FIVE MILES EAST	3	GRASS FIRE, 400 TIES, 18 PHONE POLES
2/17	THREE MILES WEST	1	GRASS AND DIESEL FIRE
2/17	SIX MILES EAST	2	GRASS AND 60 TIES
4/5	FOUR MILES EAST	2	GRASS, TIES, AND OLD BUILDING
4/6	FOURTEEN MILES EAST	2	GRASS, AND 8 TELEPHONE POLES
4/7	EIGHT MILES WEST	2	GRASS AND 110 TIES
4/15	TEN MILES WEST	3	GRASS AND 2,000 TIES
4/24	TWO MILES EAST	3	GRASS AND 500 TIES
5/8	FOUR MILES EAST	2	GRASS AND TIES
7/10	SEVEN MILES EAST	3	GRASS AND TIES
7/10	SEVEN MILES EAST	3	GRASS AND TIES
7/11	SIX MILES EAST	3	GRASS AND TIES
7/15	SIX MILES EAST	3	GRASS
7/18	THIRTEEN MILES WEST	3	GRASS AND TIES
8/10	EIGHTEEN MILES EAST	3	GRASS AND TIES
'10	ONE MILE WEST	2	HOT BOX
8/17	SIXTEEN MILES EAST	2	GRASS
9/30	TWENTY MILES EAST	3	60 ACRE GRASS FIRE
10/5	FIVE MILES EAST	3	GRASS
10/30	THREE MILES EAST	2	TRAIN AND SEMI ACCIDENT
1985			
6/27	FIVE MILES EAST	3	4 ACRE GRASS FIRE
6/27	FIVE MILES EAST	3	GRASS
7/23	ELEVEN MILES EAST	3	GRASS AND TIES
8/8	TWELVE MILES EAST	3	GRASS AND TIES
1986			
3/20		3	GRASS
3/26		2	GRASS
4/07	ONE MILE EAST	3	BOX CAR
4/08	FOUR MILES WEST	3	GRASS
5/11	THREE MILES WEST	3	TRAIN REPORTED HOUSE FIRE
6/14	TWENTY-FIVE MILES EA	3	TRAIN DERAILMENT WITH HAZARDOUS
7/1	BN MARKER 397-391	2	GRASS
7/2	BN MARKER 416	2	GRASS

SENATE LABOR & EMPLOYMENT

EXHIBIT NO. 13

DATE 2/3/87

BILL NO. SB 154

1982

Train Reported Hazardous Material Load

3

Train Reported Hazardous Material Load

SENATE BILL 154

SENATE LABOR AND EMPLOYEE RELATION COMMITTEE

TESTIMONY OF:

LEE TORGRIMSON

MISSOULA, MONTANA ,

SENATE LABOR & EMPLOYMENT

ENCL NO. 14

DATE SB 154

BILL NO. 3/2/27

Mr. Chairman - Committee Members:

I'm Lee Torgrimson of Missoula. I co-own a marketing and product development company and have worked for the past 21 years as a switchman, brakeman, conductor and now as a locomotive engineer.

I come to you as a businessman as well as a railroad train crew member and, more importantly, as a Montanan concerned with our land, our water, our air and for individual and public safety.

The passage of Senate Bill 154 may result in a catastrophic accident. Many train malfunctions cannot be detected by any other means than by trained and alert railroad personal on an occupied caboose of trains which are too long to be totally observed by personnel on the head end. Train crews on cabooses have reported hundreds of fires on railroad property, they have reported car accidents on our highways and have saved lives of those who have run into the rear portions of trains with autos, trucks and buses. With these facts at hand, and the other testimony in opposition to Senate Bill 154, who can in good conscience justify passage of this bill just to save the railroads a few dollars? The railroads run trains in excess of two miles in length through the difficult Montana terrain, we must be as certain as we can that we are protected from the very possible railroad disasters which could adversely affect our land, our water, our air and the great people of our state. Recently we have become aware of derailments around our country which are witness to the terrible consequences of railroad disasters. Furthermore, do you think for one minute the railroads will reduce freight rates or improve service to Montana shippers and consumers with the passage of Senate Bill 154? I can assure you they won't!

SENATE LABOR & EMPLOYMENT

EXHIBIT NO. 14

DATE 2/3/07

BILL NO. SB 154

One railroad in Montana has made several claims as to the cost to them of having cabooses on trains in Montana. Those claims range from 1 million dollars annually up to 13 million dollars annually. Do they know the actual costs associated with the cabooses or are they crying wolf again? My experience is that they spend very little on cooosie maintenance and violate state and federal law daily. Many cabooses have broken windows, chairs, inoperative radios, and other defects which make for an unsafe and unproductive workplace. The railroads have probably inflated many costs associated with the cabooses so they can come here and cry to you about how they are being unfairly treated. How could anyone believe their cost figures when, by their own admission, they didn't know they were leaking thousands of gallons of diesel fuel into our groundwater at Helena and Missoula and who knows where else. I find it hard to believe the railroads know the actual costs associated with cabooses in Montana but are only trying to further intimidate Montana and are interested only in bettering their "bottom line."

When we disallow the railroads a free hand in Montana, we are accused of being anti-business--nothing could be further from the truth--Montana is not anti-business! We want and will support responsible, efficient and profitable business in Montana but we will not tolerate irresponsible business. At least one railroad in Montana fits the mold of a "corporate terrorist" and certainly does not show that it is responsible and due the support it is asking of us, or more rightfully put, it is demanding of us.

In the past 20 years or so I have witnessed hundreds of business failures in Montana, many a consequence of the railroad's lack of concern

SENATE LABOR & EMPLOYMENT

EXHIBIT NO. 14

DATE 2/2/87

BILL NO. 5/2 150

for them and Montana farmers and other small businessmen have not received, or not received in a timely fashion, grain cars, box cars or other rolling stock, or they were given dirty or unusable cars for loading. It's no wonder we have a revenue crisis in our state with the loss of railroad jobs and those jobs lost with defunct businesses. Many of those losses were caused by an irresponsible and short-term profit motivated entity which now you are asked to further subsidize with the passage of Senate Bill 154. We must not succumb to the intimidations and blackmail by some railroads. Montanans must control this state, not some single-minded corporate entity in Ft. Worth, Seattle, Omaha or elsewhere.

There are hundreds of examples of lives and property saved merely by the presence on an occupied caboose on trains which are so long the head end personnel cannot see the entire length of the train. We as train crew members detect potentially dangerous situations daily. Some will say that one can't prove that a crew member in an occupied caboose was responsible for saving property and lives--I can, as I have experienced many situations which if not noticed by read end crew members, may have become catastrophic in nature. Can we afford a disaster which may have been averted merely by having a trained person on a caboose at the rear end of a train?

To clarify some claims that all trains in Montana must have an occupied caboose on them: Montana law does allow many trains to run cabooseless, as well as does United Transportation Union Contract. The letter from U.T.U. President Hardin will testify to that. The railroads in Montana do not run cabooseless trains even though permitted to do so. Why have they failed to take advantage of Montana law and U.T.U.

EXHIBIT NO. 161
 DATE 2/3/87
 BILL NO. SB 154

contract? I suggest they have planned to use Montana law as evidence of our so-called anti-business climate, the Montana Caboose Law is not anti-business! It has been the incompetent and irresponsible business practices of some railroads which have cost them money or which has placed them in a noncompetitive position in the marketplace.

Other states have enacted laws requiring cabooses on some trains; Texas did after a catastrophic hazardous material derailment, and the California legislature passed and sent to their governor a caboose bill only to have him veto it, which shows his lack of concern for the public safety.

If you, for whatever reasons, believe the existing caboose law is not for Montana, then I, as an experienced railroader and as a businessman, suggest you do not eliminate it but amend it to allow for cabooseless train operation only under the following conditions:

1. Trains run cabooseless only when under 3,500 feet long and the train be equipped with a Federal Railroad Administration approved working rear end telemetry device.
2. Crew members on cabooseless trains must be equipped with working engine and portable radios.
3. No cabooseless train may make a rearward movement without a crew member equipped with either a working radio or a rear end hand-held safety air control device located at the rear end of said train.
4. Trains not to run cabooseless which are handling hazardous materials unless the train is under 2,000 feet in length.
5. No train be allowed to run cabooseless until the railroads equip all rail lines with hot box, high/wide and dragging equipment detectors.

SENATE LABOR & EMPLOYMENT
 EXHIBIT NO. 14
 DATE 2/3/97
 BILL NO. SB 154

6. No more than 3 persons be allowed in the control cab of a moving locomotive.
7. Crew members be protected by law to refuse to work under conditions which are prohibited by law.
8. A \$1,000.00 fine for each violation of this law.

The railroads have repeatedly shown their disregard for our land, air and water, as well as for individual and the public safety. They have polluted our groundwater with creosote and diesel fuel, they have fouled our air with burning creosote-treated ties and have intruded into our rivers and streams expressly denied by permit or denied by our city, county and state environmental enforcement personnel.

Montanans must choose our own road to prosperity and must have the freedoms and rights given us by our Constitution, "The right to a safe and healthful environment." Senate Bill 154 is a denial of those rights and freedoms! I urge you give Senate Bill 154 a "Do not pass recommendation" or amend it as suggested. To do otherwise is to further submit to the corporate raid of Montana and to ignore the public safety. I'll try and answer any questions you may have. Thank you.

SENATE LABOR & EMPLOYMENT
EXHIBIT NO. 14
DATE 2/3/87
BILL NO. 3/2/84



MONTANA STATE LEGISLATIVE BOARD

W. BRANK
State Director

R. H. WEST
Asst. State Director

F. RICHARD
Chairman

E. D. GAGHERY
Vice Chairman

M. W. GILLES
Secretary

Dear Fellow Montana's and State Legislators:

If I could have a few minutes of your time, I would like to share with you the facts on some of the Railroad issues, and just how Montana is affected by the misconstrued statements made by our railroad industry.

A lot of our Legislators have been severely criticized by the Burlington Northern Railroad for supporting legislation that protects the safety of railroad employees and the general Public in Montana.

There are a lot of people in Montana that do not understand the purpose of having cabooses on all freight trains. If the Caboose Bill is repealed there will still be cabooses on some trains. Some people prefer to believe what the Burlington Northern is telling them. The People of Montana are being told that their Legislators are making it hard for Burlington Northern to do business in Montana. B.N. states that it costs them needless money to maintain cabooses on trains and keep station agents in some towns.

Doesn't it seem obvious to you that Burlington Northern has no concern for safety nor the welfare of our state.

Cabooses have been on the rear end of freight trains for centuries and have served their purpose well. Technology has come a long way since I started railroading 37 years ago, but has not advanced enough to replace cabooses. I would like to explain briefly the functions of the caboose that technology has not replaced to detect defects within a train, track and right of way.

It has been my experience in years of railroading, that there is no way that technology can replace the human eye in observation. It has been documented to the fact that railroad cars have caught on fire and past over so called modern "Hot Box Detectors", going undetected. It has been documented in the pamphlet provided, that these detectors are frequently out of service for substantial periods of time.

As you well know, Burlington Northern borders the southern edge of Glacier National Park from East Glacier to West Glacier. Due to the extreme mountain grade in this area, it is impossible to control a train with out the use of brakes. This has been noted for starting numerous right of way fires, more than any other known cause of fire to the right of way. Precautionary instructions have been issued to train crews by Burlington Northern to this fact, also documented in this pamphlet. Fires set along the railroad right of way, by a train, have no way of being detected by the headend crew of that particular train. This in itself could cause major damage to our parks and

forests before it could be detected and brought under control. Only a sharp eye from a caboose could bring this situation to a safe end before a fire had a chance to burn out of control. I would like to point out to you that extreme braking is necessary from Summit to Java, on the Westside of the divide and there is no means of detecting a fire on the right of way except from the observation of a railroad employee from the caboose.

Much of the railroad in Montana parallels our highways and intersect many of our towns. With all the dangerous and hazardous material that is being shipped by our national railroads, the chances of a major disaster is very high. It is beyond me, with all the measures taken to provide safety on our highways in the trucking industries, that legislation would consider removing cabooses which provide the safest operation of railroads.

If a caboose could prevent one disaster, such as the one in Belt Montana, I think it would outweigh any cost that the Burlington Northern would incur for maintaining a caboose in Montana.

Your serious consideration to keep our Caboose Bill in Montana would be greatly appreciated. Keep Montana a safe place to work and live for all of us.

Sincerely,

Raymond H. White
RAYMOND H. WHITE
Havre, Montana, 59501



The Big Sky Country

MONTANA STATE SENATE

April 26, 1986

SENATOR CHET BLAYLOCK

SENATE DISTRICT 41

LAUREL MONTANA 59044

COMMITTEES

- EDUCATION
- LABOR
- JUDICIARY
- LEGISLATIVE ADMINISTRATION

Mr. J.W. Brand, SLD UTU MT
 812 Saddle Drive
 Helena, MT 59601

Dear Joe:

I have your inquiry as to my position on the retention of the caboose law passed in 1983. You and the people you represent have a right to a straightforward answer.

My reservations about voting for the caboose bill on third reading in 1983 remain. It was not good legislation then and it still isn't. In the long run it can prove detrimental to the very people with whom you and I share mutual concerns.

If the Montana Legislature can break a contract freely entered into by the leaders of your union for the elimination of cabooses when the union decides it is a bad deal, then with equal correctness the legislature can, when the political climate changes, break a contract the railroads find burdensome. It is dangerous public policy and I will not support it.

I find it despicable on the national level when the courts have allowed corporations like Continental Airlines to declare bankruptcy, reorganize and unilaterally declare their union contracts null and void. It is base treachery and I will not participate in such practices at the state legislative level just because my friends believe they can gain temporary advantage by doing so.

I want the B.N. and the Union Pacific to stay in Montana. I want them to be good employers and good corporate citizens. I want them to be efficient, competitive and profitable. I want them to pay their fair share of taxes. If they believe they can run their trains profitably and efficiently sans cabooses, then the Montana legislature should not pass laws forcing them to run cabooses anyway.

Sincerely,

Chet Blaylock
 Chet Blaylock

*WILL NOT BREAK
 A UNION CONTRACT*

SENATE LABOR & EMPLOYMENT
 ENRIT NO. 14
 DATE 5/3/87
 BILL NO. 213/87

FRED A. HARDIN
International President

R. R. BRYANT
Assistant President

THOMAS J. McGUIRE
General Secretary and Treasurer

united

transportation

union

U/I

June 3, 1986

Mr. J. W. Brand, Director
Montana Legislative Board
812 Saddle Drive
Helena, Montana 59601

Dear Joe:

I have been in Washington most of the past month, hence the delay in answering your letter concerning cabooses legislation in Montana.

I have reviewed your letter to Senator Blaylock and his answer to you concerning possible repeal of the Montana law requiring cabooses.

I can understand Senator Blaylock's views that legislatures should not interfere with collective bargaining agreements and appreciate his candor in describing his position concerning the required use of cabooses.

The truth of the matter is that in 1982 the Presidential Emergency Board recommended that cabooses were not necessary on all trains and that there were hundreds of trains performing switching and other inter-city work that did not need cabooses. Accordingly, we entered into an agreement that allowed the railroads to discontinue the use of cabooses on trains such as locals, switchers, etc. The carriers pointed out 25% of their through freight trains consisted of less than 70 cars and those trains did not need a caboose in order for the crew members to keep a vigilant watch over their trains. The agreement that was made required the use of cabooses on 75% of all through freight trains and still contains that requirement except in the 1985 agreement we allowed them to remove additional cabooses in through freight service on unit trains, that is piggy-back, unit coal trains and other types of special movement.

Cabooses should be required on all trains of 70 car lengths or more because the trains cannot be observed with all crew members riding in the locomotive. In addition, all trains handling hazardous material should be operated only with a manned caboose so that the movement of trains can be vigilantly watched at all times to prevent derailments or crossing accidents, which often times have caused the evacuation of complete towns or cities. It is not fair to the public, the shippers and the employees to operate extra long trains or trains handling superhazardous material without a manned caboose and the small cost for a caboose on these specific trains should not be considered when a great factor of safety is involved.

Incidentally, there are about 120 specific items that are designated by the federal government as being superhazardous. Hundreds of these dangerous loadings are handled in freight trains each day.

SENATE LABOR & EMPLOYMENT

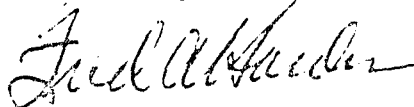
EXHIBIT NO. 121

DATE 3/3/87

BILL NO. SB 156

I sincerely believe that instead of repealing the law requiring cabooses on all trains that it should be modified to provide the absolute necessary protection that is needed in the operation of trains as described hereinabove.

Fraternally yours,



President

P.S. Please feel free to furnish Senator Blaylock a copy of this letter and I will furnish you or him any additional information you might desire.

SENATE LABOR & EMPLOYMENT

EXHIBIT NO. 111

DATE 2/3/87

BILL NO. SB 154

T E S T I M O N Y

O N

S E N A T E B I L L 154

presented by

F. G. MARCEAU for

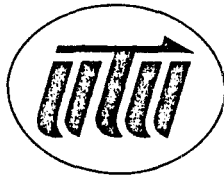
U.T.U. LOCAL 978

SENATE LABOR & EMPLOYMENT

EXHIBIT NO. 15

DATE 2/3/87

BILL NO. SB 154



united transportation union

February 3, 1987

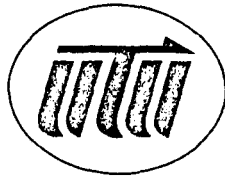
My name is Francis Marceau. The members of United Transportation Union Local 978 of Missoula have asked me to speak to you concerning SB 154.

Our Local did a survey starting in January of 1984 through August of 1985 concerning the performance of rear end crews employed between Spokane, Washington and Helena, Montana. During that 20 month period crews working on cabooses took appropriate action to stop 22 possible derailments. Employees spotted sticking brakes, sliding wheels, shifted lading, bad wheels, broken rail, sunkinks (TRACK OUT OF ALIGN DUE TO EXTREME HEAT), and one crew spotted a drawbar key fly from the third car ahead of the caboose. The carman at Missoula said that the missing key would have eventually caused the draft gear to break and fall on the track causing a derailment.

By removing the caboose railroads might be able to generate additional profit but it will be at the expense of the safety of all Montanans and the possible destruction of our environment.

If my statement doesn't convince you of the necessity for a manned caboose for safe freight train operation hopefully this statement from a Missoula Conductor I have been asked to share with you will.

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united transportation union

In 1986 in Missoula we were about to yard our westbound train of over 130 cars when the train went into emergency and was broken in two. We had two crossings blocked, Madison Street and Taylor Street. The city police were called and they diverted traffic around Madison Street, the major crossing. The caboose was about four or five cars east of the Taylor Street crossing. This incident occurred in the evening and it was very dark.

The train was finally put back together and the air pressure restored. I went out of the caboose to see that the brakes were released so that we could proceed into the yard. I returned to the caboose, picked up the radio and told the engineer that the brakes were released and that he could start moving the train, then getting up into the cupola I looked out the window and I could see someone on their hands and knees crawling under the train at the crossing; there was enough light from the flashing crossing signals to see this. I picked up the radio in the cupola and told the engineer not to move, and he did not.

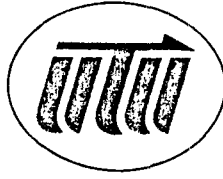
I then walked to the crossing to see two young boys running toward Broadway Street. I feel that had the train not had a manned caboose these boys probably would have been run over.

SENATE LABOR & EMPLOYMENT

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united transportation union

If this committee feels more specific info. is needed on this incident you will have to take the necessary steps to secure it due to the following policy of BN

SENATE LABOR & EMPLOYMENT
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OR LOGON

INFORMATION CONCERNING THE COMPANY, ITS EMPLOYEES, CUSTOMERS OR OTHER DATA THAT IS COLLECTED, STORED, OR PROCESSED IS THE PROPERTY OF THE COMPANY AND IS CONFIDENTIAL EXCEPT FOR NECESSARY DISCLOSURES FOR LEGITIMATE BUSINESS PURPOSES. UNAUTHORIZED USE OR DISSEMINATION OF SUCH INFORMATION OR USE OF COMPANY DATA PROCESSING RESOURCES IS PROHIBITED, AND MAY SUBJECT THE USER TO DISCIPLINARY OR LEGAL ACTION.

NUMBERS	CLASS	PLAN	TOP SERVICE	GOOD FOR TRANSIT WHEN APPLICABLE
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FROM	
ROUTE CODE	SHIPPER
A - AGENT S - SHIPPER	
DESIGNEE	B/L DATE
	B/L NO.
	REBILL REFERENCE
FINAL DESTINATION	WEIGHED AT
	GROSS
	TARE
	ALLOW
	NET
SPECIAL INSTRUCTIONS	

DESCRIPTION OF ARTICLES	COMMODITY CODE	WEIGHT	U	RATE	FREIGHT	ADVANCE	PREPAID
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MSG10 TO START A SESSION
ENTER - IMSPROD, TSOPROD, CICSPRD, CBTPROD, COMPASS,
OR LOGON

INFORMATION CONCERNING THE COMPANY, ITS EMPLOYEES, CUSTOMERS OR OTHER DATA THAT IS COLLECTED, STORED, OR PROCESSED IS THE PROPERTY OF THE COMPANY AND IS CONFIDENTIAL EXCEPT FOR NECESSARY DISCLOSURES FOR LEGITIMATE BUSINESS PURPOSES. UNAUTHORIZED USE OR DISSEMINATION OF SUCH INFORMATION OR USE OF COMPANY DATA PROCESSING RESOURCES IS PROHIBITED, AND MAY SUBJECT THE USER TO DISCIPLINARY OR LEGAL ACTION.

SENATE LABOR & EMPLOYMENT
 EXHIBIT NO. 154
 DATE 2/3/87
 BILL NO. SB 154

SB 154

MONTANA STATE FIREMEN'S ASSOCIATION
OFFICE OF THE SECRETARY-TREASURER

I would like to speak to you in regard to public safety as related to this issue. When an emergency service has to respond to an incident one simply cannot overstate the importance of early detection. It can affect the total outcome of the incident. This certainly holds true with hazardous materials. The problems can be somewhat compounded by the fact that railroads are hauling such a multitude of hazardous materials. In permanent installations we have the advantage of knowing what is stored, and the quantity.

By the nature of the freight business on the railroad, each train can be completely different. This poses a real problem in that the possibility of mixing different chemicals exists, creating some very exotic combinations. In times like these, not even a chemist can provide quick help. I have had experience in a spill and not being able to identify the material involved. In cases such as these, one can only evacuate people.

That is why it is important to have a crew on each end of a train. A toxic spill involving a prevailing wind could incapacitate a crew, but the crew on the other end of the train could notify the proper authorities.

Cabooses in these scenarios do have a vital part in public safety.

Vern Erickson

Vern Erickson

SENATE SECRETARY & TREASURER
MISSOULA

EXHIBIT

DATE

STATEMENT OF MONTANA FARMERS UNION ON SB 154 FEBRUARY 3, 1987

PRESENTED BY TERRENCE D. CARMODY, MFU LOBBYIST

MR. CHAIRMAN, MEMBERS OF THE COMMITTEE: I AM TERRENCE D. CARMODY, A LOBBYIST FOR MONTANA FARMERS UNION. WE APPEAR AS AN OPPONENT TO ENACTING SB 154 AT THIS TIME. WE ARE NOT HERE TO DEBATE TECHNOLOGY OR COMMUNICATIONS EXPERTISE. WE DO NOT KNOW WHETHER A FREIGHT TRAIN WITH NO CREW MEMBERS AT THE BACK END IS A HAZARD OR NOT. WE LEAVE IT TO OTHERS TO ARRIVE AT THOSE CONCLUSIONS.

OUR INTEREST IS A VERY FUNDAMENTAL ONE, HOWEVER. WE DON'T WANT OUR STATE GOVERNMENT TO GIVE UP THE LAST VESTIGES OF REGULATORY AUTHORITY OVER THIS VAST CORPORATE ENTERPRISE WE KNOW AS BN, UNTIL WE ARE ASSURED OF SOME RECIPROCITY. WE KEEP HEARING HOW THE STATE SHOULD COOPERATE WITH BN. "COOPERATION" BY ITS VERY NATURE REQUIRES TWO PARTICIPANTS. THE STATE HAS ALREADY COOPERATED TO THE TUNE OF LETTING BN OUT OF PAYING MANY MILLIONS OF DOLLARS OF PROPERTY TAXES THAT IT LEGITIMATELY OWES. THE STATE HAS PROVIDED AT LEAST ONE LONG TERM LOAN, BEARING NO INTEREST AT ALL, FOR TRACK REHABILITATION. BEFORE YOU PEOPLE DECIDE TO LET GO OF THE AUTHORITY THIS BILL ASKS YOU TO, WE'D ADVISE WAITING TO SEE SOME COOPERATION FROM BURLINGTON NORTHERN. FOR INSTANCE LET'S SEE SOME MOVEMENT TOWARD SETTLEMENT OF THE McCARTY FARMS CASE. BN HAS STONE-WALLED FOR SEVEN YEARS, YET THE CASE IS A VERY LEGITIMATE ONE WITH ENORMOUS ECONOMIC IMPLICATIONS FOR THIS STATE. LET'S SEE SOME MOVEMENT TOWARD EQUITY IN FREIGHT RATES, INSTEAD OF WATCHING UNIT TRAINS OF GRAIN FROM HUNDREDS OF MILES FARTHER EAST GOING THROUGH MONTANA TO THE PACIFIC COAST AT FREIGHT RATES CONSIDERABLY LOWER THAN THOSE CHARGED OUR MONTANA FARMERS.

LET'S SEE SOME OF THIS VAUNTED COOPERATION FROM THE RAILROAD SIDE NOW BEFORE WE CONSIDER THE MERITS OF SB 154. THANK YOU.

SENATE LABOR & EMPLOYMENT

EXHIBIT NO. 16

DATE 2/3/87

BILL NO. SB 154

Havre, Montana
February 3, 1987

Mr. J.D. Lynch, Chairman
Members of Labor and Employment Relations

Dear Sirs:

Please allow me to express my appreciation for the privilege to speak against Senate Bill S-514 which provides for the repealing of Sections 69-I4-232 through 69-I4-235, MCA.

My primary purpose to speak against this bill is because of my concern for the safety of our fellow Montanans who live and work near the right of way and in towns through which the railroads operate plus the safety of our citizens who operate these trains.

To qualify my concern, I am at this time, a retired locomotive engineer. My railroad career began in the spring of 1949 as a locomotive fireman on the former Great Northern Railroad, now a part of the Burlington Northern system.

I was promoted to a locomotive engineer in 1955, worked as an engineer and became Local Chairman for the Brotherhood of Locomotive Engineers Union in 1969. Since 1979 I have been employed as a Vice General Chairman for the Brotherhood and have represented all the locomotive engineers on the North line (ie: former Great Northern and Northern Pacific) until my retirement in the fall of 1986.

The caboose is a necessary tool for the safe operations of the railroads and for the safety of all Montanans who live and work near the tracks where trains are operated.

Employees who work on cabooses perform the following safety services:

They are required to look forward for anything unusual along their trains on both sides. They watch for sticking brakes, hot journals, broken straps, shifting merchandise, vandalism or anything unusual.

They inspect their trains using sight, sound and smell. They can smell hot oil, grease or smoking journals, any friction or odors covered by shifted loads. They are alert to hear any unusual noises such as flat wheels that can break rails or other unusual sounds.

They are required to look back to keep a watch for anything unusual on the right of way and over the track which they just passed, to look for rough joints, bad switches, marks in the ties which may indicate dragging equipment, broken gears or derailed cars.

SENATE LABOR & EMPLOYMENT

EXHIBIT NO. 18

DATE 2/13/87

BILL NO. SB 1511

Some items to watch on the right of way are brush, grass or forest fires which may result from sticking brakes on the train igniting underbrush on the right of way.

They are required to keep a watch on the air gauge to make sure the train brake system is fully charged and operating properly.

The crews on the caboose are required to make walking inspections when trains are stopped to meet other trains. They are required to open and/or close switches at the rear of trains during operations. They must check the switches, signals and right of way and keep a look out for any unsafe condition.

The crew on the caboose are immediately available should the need arise for flagging and/or protection of the rear of the train. Without a caboose on the train the element of time to safely protect the rear of a train would not be available.

I believe the occupied caboose provides essential protection for those working on the trains as well as to public safety, health and property. Occupied cabooses are essential because the length of freight trains have increased as have the danger of the goods which they carry. Trains now carry combustible goods, caustic chemicals and radioactive waste, so it is even more important in our mountainous terrain that there be an occupied caboose on freight trains.

No machine has been made that can out perform the abilities of employees on a caboose to quickly spot an unusual condition and take proper action to avert a major accident or disaster.

Please take action to vote against S-154 for the well being and safety of all Montanans.

Sincerely,



Mack L. Glover
69 Beaver Creek Boulevard
Havre, Montana 59501

SENATE LABOR & EMPLOYMENT

EXHIBIT NO. 11

DATE 2/13/61

BILL NO. 54 561

12³⁰/AM 11-12-85 Train G D 3 Engine 3144
 Engineer Gary Reithmaier, with 12 lbs brakes applied experienced an undesirable brake release near Blacktail Mt.
 This happens when the temperature is extremely cold.

11-18-85 Train G D 3 H A 18 Engine 8084
 Condr Bachman, with brakes applied train, experienced an undesired brake release
 This happens when weather is cold.

7³⁰/AM 11-20-85 Train G D-3 Engines 8113 6812-0065-8080
 With 78 loads 1 empty 10001 tons of grain. With 11 lbs train brakes applied four miles west of Summit experienced an undesired brake release, Engg Brody immediately increased train brakes to 22 lbs.
 No change in weather

6²⁰/AM 11-27-85 Train G C 2 ST 23W - Engine 7132, 4117
 6552 50 loads 1 empty 6502 tons. Running the train between Home and Shelby, with train braked by dynamic brakes the train brakes would set between 5 + 7 lbs and when the train was stretched and power was used to pull the train, brakes would release on train.
 Engg Brody. This train also experienced an undesired brake release on the mountain.

12-03-85 - Asst Supt. Bush wrote Engg Brody they were making a thorough investigation

of the incidents. Engineer Brody operated the brakes using proper procedure per BN instructions.

11-28-85 - 5²⁰ pm Train QD3 WP-27 Engine 6739
4025-6337 54 loaded wheel experienced an
undesired train brake release. Engr Golden
brought the train to a stop

This happens for 2 straight winters when
the weather is cold.

12-03-85 - Train 209 Engine 8077-2285-2276-4084
57 loads 11 engines. 7443 tons experienced an
undesired train brake release. Engr Williams
placed train brakes in emergency with no effect.
Engr Williams called the Conductor who had 70 lb
train line pressure. The Conductor placed the train
in emergency and stopped the train. ^{He} The engineer
could not stop the train.

^{Automatic} The train was stopped secured and inspected.
Brake application on engine did not apply brakes
on the train. The train was moved
very carefully to Essex MT and after making
application on the train, the engine was
cut away from train allowing train line
to go to emergency, even then the train
did not go immediately into emergency.

SENATE LABOR & EMPLOYMENT

SENATE NO. 18

DATE 2/3/87

BILL NO. SB 154

On 12-04-86. Local Chairman Lowe called
our office in St Paul and we contacted
Mr. Arthur Fiedler Supervisor ^{Engine + Train} Brake handling for the
Burlington Northern Railway -

He assured me he would find that
train, how it stopped and find out
why the train brakes did not operate
from the Engine

He called me the next week
to tell me he had no knowledge
why the brakes would not operate
from the Engine. When he stopped the train
in the state of Washington, the temperature
had increased and there was no
malfunction of the train brakes.

Engineer Lloyd Zverman experienced an
undesired train brake release between Livingston
and Bozeman. His train was proceeding
through a 10 mile per hour slow order and
the train brake release resulted in train
derailment. The temperature was very
cold.

SENATE LABOR & EMPLOYMENT

EXHIBIT NO. 17

DATE 3/8/87

FILE NO. SB 154

12-9-85 12 incidents of undesirable brake releases between Harford and Whitefish Mt. plus numerous incidents between Harford and Boyce Mt. Local Chairman Lowe notifies Superintendent P.C. Keim, BN Martine Riv. House, Mt.

12-9-85 - L.C. Lowe writes to ^{BN} Supervisor Air Brake Department Fiedler Avon Park Train

12-17-85 - Supt Keim answers L.C. Lowe with letter file # 013 BLE 522 assuring the carrier is doing everything possible to solve the problem.

3-4-86 - Vice President Hutton issued a letter that handbrake hoses were responsible for undesired train brake releases

Supt PC Keim's letter dated 3-14-86 to all train engine personnel.

Please Note: their conclusion was not totally resolved two years after the 1st incident and without the labor as a back up brake system no one knows the damage and lives your brother could have been lost.

SENATE LABOR & EMPLOYMENT
EXHIBIT 18
DATE 2/3/87
PILL NO. 22124

Mark L. Shover

UNSAFE EQUIPMENT & HAZARDOUS CONDITION CITATION

THIS CITATION IS TO ADVISE THAT AN UNSAFE CONDITION CURRENTLY EXISTS IN THE EQUIPMENT AND/OR WORKING CONDITIONS OF THE CARRIER. THE FOLLOWING INFORMATION IS PROVIDED SO THAT THIS CONDITION CAN BE PROMPTLY REMEDIED.

Date 11-12-85 Time 12:30 A Location BLACK TAIL MT. M.P. 1154
(Station or Yard) (nearest)
Engine # 3144 ~~Car #~~ TRAIN # GD3 Caboose # _____
Track # _____ Switch # _____ Industry _____
(name if known)

CONDITION: (Circle as applicable)

TEMPERATURE MINUS 20° F. (APPROX)

1. Equipment

- A. Ladder or grab iron
- B. Footboard
- C. Cut lever
- D. Coupler
- E. Brake or hand brakes
- F. Dirty Windows
- G. Broken glass
- H. Unsanitary
- I. Not supplied
- J. Radio inoperative
- K. Other (describe below)

2. Walkway

- A. Obstruction
- B. Hazardous material
- C. Impaired clearance
- D. Oil or mud
- E. Stumbling hazard
- F. Hole
- G. Vegetation (weeds)
- H. Insufficient lighting
- I. Other (below)

3. Switch

- A. Broken
- B. Bent
- C. Hard to operate
- D. Inoperative
- E. Other (below)

4. Work Area

- A. Insufficient lighting
- B. Defective tools
- C. Insufficient tools
- D. Stumbling hazard
- E. Slipping hazard
- F. Other (below)

SENATE LABOR & EMPLOYMENT

EXHIBIT NO. _____

DATE 11/12/85

ROLL NO. 32154

5. Other (Give a brief specific description)

WITH A 12 PSI BRAKE REDUCTION APPLIED - BRAKES RELEASED.

The following corrective measures should be taken: SHORTER TRAINS.

CONDITION REPORTED TO: _____

(Name or title of officer or responsible party)

How long has this condition existed? HAPPENS WHENEVER THE TEMPERATURE IS EXTREMELY COLD
If this condition has been reported previously to a company representative, to whom and when? _____

Has this condition been changed since first reported to company? HAPPENING MORE THIS WINTER

IF NO ACTION IS TAKEN ON THIS MATTER WITHIN A REASONABLE LENGTH OF TIME, THIS ITEM WILL BE REFERRED TO THE PROPER STATE COMMISSION.

White copy to carrier

The following information is optional:

Yellow copy to local safety representative

Signed: Sally Rothman

UNSAFE EQUIPMENT & HAZARDOUS CONDITION CITATION

THIS CITATION IS TO ADVISE THAT AN UNSAFE CONDITION CURRENTLY EXISTS IN THE EQUIPMENT AND/OR WORKING CONDITIONS OF THE CARRIER. THE FOLLOWING INFORMATION IS PROVIDED SO THAT THIS CONDITION CAN BE PROMPTLY REMEDIED.

Date Nov 18/85 Time _____ Location Mans M.P. 1154
Engine # 8084 ^{train} Car # GD31A-18 Caboose # 10109 (Station or Yard) (nearest)
Track # _____ Switch # _____ Industry _____ (name if known)

CONDITION: (Circle as applicable)

1. Equipment

- A. Ladder or grab iron
- B. Footboard
- C. Cut lever
- D. Coupler
- E. Brake or hand brakes
- F. Dirty Windows
- G. Broken glass
- H. Unsanitary
- I. Not supplied
- J. Radio inoperative
- K. Other (describe below)

2. Walkway

- A. Obstruction
- B. Hazardous material
- C. Impaired clearance
- D. Oil or mud
- E. Stumbling hazard
- F. Hole
- G. Vegetation (weeds)
- H. Insufficient lighting
- I. Other (below)

3. Switch

- A. Broken
- B. Bent
- C. Hard to operate
- D. Inoperative
- E. Other (below)

4. Work Area

- A. Insufficient lighting
- B. Defective tools
- C. Insufficient tools
- D. Stumbling hazard
- E. Slipping hazard
- F. Other (below)

SENATE LABOR & EMPLOYEE

EXHIBIT NO. 10

DATE 3/1/87

BILL NO. 57135

temp -15

5. Other (Give a brief specific description)

Undeared BRAKE Release

The following corrective measures should be taken:

SHORTEN TRAINS, MORE CAR MAINTAINCE, BETTER INSPECTION

CONDITION REPORTED TO:

How long has this condition existed? for years.

(Name or title of officer or responsible party) When weather gets cold.

If this condition has been reported previously to a company representative, to whom and when?

Has this condition been changed since first reported to company? NO, GOTTEN WORSE

IF NO ACTION IS TAKEN ON THIS MATTER WITHIN A REASONABLE LENGTH OF TIME, THIS ITEM WILL BE REFERRED TO THE PROPER STATE COMMISSION.

White copy to carrier

The following information is optional:

Yellow copy to local safety representative

Signed: Ken Bohmi

Pink copy to union state

Crew members:

UNSAFE EQUIPMENT & HAZARDOUS CONDITION CITATION

THIS CITATION IS TO ADVISE THAT AN UNSAFE CONDITION CURRENTLY EXISTS IN THE EQUIPMENT AND/OR WORKING CONDITIONS OF THE CARRIER. THE FOLLOWING INFORMATION IS PROVIDED SO THAT THIS CONDITION CAN BE PROMPTLY REMEDIED.

Date 11-28-85 Time 5:20 pm Location Hovre M.P. 429
(Station or Yard) (nearest)
Engine # 6739 Car # _____ ~~Equipment~~ # Train GD3 WP-27
Track # _____ Switch # _____ Industry _____
(name if known)

CONDITION: (Circle as applicable)

1. Equipment

- A. Ladder or grab iron
- B. Footboard
- C. Cut lever
- D. Coupler
- E. Brake or hand brakes**
- F. Dirty Windows
- G. Broken glass
- H. Unsanitary
- I. Not supplied
- J. Radio inoperative
- K. Other (describe below)

2. Walkway

- A. Obstruction
- B. Hazardous material
- C. Impaired clearance
- D. Oil or mud
- E. Stumbling hazard
- F. Hole
- G. Vegetation (weeds)
- H. Insufficient lighting
- I. Other (below)

3. Switch

- A. Broken
- B. Bent
- C. Hard to operate
- D. Inoperative
- E. Other (below)

4. Work Area

- A. Insufficient lighting
- B. Defective tools
- C. Insufficient tools
- D. Stumbling hazard
- E. Slipping hazard
- F. Other (below)

5. Other (Give a brief specific description) No dyn. Brakes on any of the three units
maintaining service on 6739 did not work; engine protected from air
The following corrective measures should be taken: do not know at Hovre

CONDITION REPORTED TO: Train Dispatcher (Name or title of officer or responsible party) also over

How long has this condition existed? 2 yrs
If this condition has been reported previously to a company representative, to whom and when? _____

Has this condition been changed since first reported to company? _____

IF NO ACTION IS TAKEN ON THIS MATTER WITHIN A REASONABLE LENGTH OF TIME, THIS ITEM WILL BE REFERRED TO THE PROPER STATE COMMISSION.

White copy to carrier

Yellow copy to local safety representative

Pink copy to union state legislative director

Gold copy to legal counsel

The following information is optional:

Signed: Eng. Dory Golden

Crew members: _____

Title & run: GD3 WP 27

30/85

On Nov 28, 1985 we had GD3 HA-27
Eng. 6739-4025-6337 with 54 loads of wheat.
We left Haver & the first time we used dyn. brake
it didn't work on any of the three units. dyn. brake
brakes were kicked on 6737. When we went down hill
into Chester, used air & noticed maintaing feather
didn't work. Talked to dispatcher, set 6737 out at
Shelby & picked up 8155. Still no dyn. brake on
rear two units. Dyn brake worked on 8155.

When we got to Summit we had 100 psi
engine 92 psi on caboose. We set 10 lbs trainline
at top of hill. When speed picked up to about 25
set 4 more lbs of air. The next four miles down
the mountain train speed held right at 25 mph.
Then the speed started to slow down, shut dyn. br
off. put engine in power. When in two throttle
power train started to stretch out & brakes kicked off
we set the rest of brakes & stopped train.

This situation happened some last winter but this
winter it is a lot worse.

SENATE LABOR & EMPLOYMENT
EXHIBIT NO. 18

Engs. Dore Golden 2/1/87
33 154

Undesirable Release

On the 20th of November 7³⁰_A, I was called for GD-3 - 78-1-10001 Tons & 4939 ft of grain train with four units. S11R-6802-4065-8080

When I approached Summit I was carrying 100 lbs brake pipe with all four units with working DY with a 6 lbs taper & a air flow at 2. I took first service at the old depot to warm the brakes & increased it to 11 lbs at west industry switch & went into DY between holding block & cross over at Maria's. The Train handled beautifully - 23-25 mph with the DY in 4 & 5 throttle. Then four miles from Summit MP 1155 I noticed the air flow which had been on about 2 jumped to 6 & back to 2 at the same time felt the train release, I grabbed the automatic & doubled my setting to 22 lbs & full DY & 19 lbs on driver, shortly I felt & noticed the braking taking effect, later after my speed came back down I had to kick off DY & pull the train down the mountain with 4 to 6 throttle I did not have this problem any place else & there wasn't any weather change that was noticeable with the temp being about -5.

Now 1 wk later I was called for GC2 St-23W, 50-1-6502 tons 3200 ft - 6²⁰_A - 9

without air flow, When I made my own
test it showed 8 lbs leakage any way at Crest
& Galata hills I went into Dill & when I
was in 6-8 throttle in both cases the brake
pipe would reduce to 57 lbs & when the train
was stretched out at the bottom it would
release. Our hours of service came to an end
at Shelby. At Shelby I wrote a letter outlining
how the train handled for the out going engineer
also informed the dispatcher about the train
handling & concern about going down the
mountain, I also talked to the Trainmaster from
who was there but was off duty. The next
morning at Wfish I was informed that the
Grain Train had a undesirable release on the
mountain.

I have been with the BN 17 years with
about 11 years on the west end - Haure to Wfish
I have never had an undesirable release or
any other problems on the mountain. I would
like a response & advice on how to handle this
in the future for your safety & mine.

Thank You

Paul E. Budy

850495 - 10/12/69

Havre, Montana
December 3, 1985

File: 011.21

Mr. Jack E. Brady
Locomotive Engineer
Havre, Montana

I have just reviewed your write-up of the incident involving an undesired brake release that you experienced on Train GD3 on November 20, 1985.

I have reviewed your handling of the train with Road Foreman W. L. Andersen and he confirmed what I already thought in that your procedures, both before and after the undesired release were correct in everyway, as prescribed by the Train Handling and Air Brake Manual.

I feel that you used good judgement in going into emergency application when you did, and would recommend that should this happen again, that there be no hesitation to go into emergency application.

I would also suggest that the dispatchers be immediately notified of any such problem and request to immediately contact the Trainmaster. These instructions will be sent to the dispatcher's office.

I thank you for your very complete write-up and the accuracy of the information that you have provided. Please be assured that we are thoroughly investigating these incidents and your write-up is helpful in pursuing this investigation.

Sincerely,



P. C. Keim
Superintendent

PCK:bls

SENATE LABOR & EMPLOYMENT

EXHIBIT NO. 18

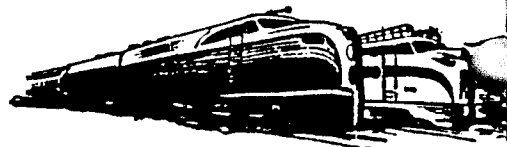
DATE 2/3/87

BILL NO. 23 154

SECRETARY-TREASURER
G.H. REITHMEIER
701 9TH ST. W
HAVRE, MT 59501

PRESIDENT
R.R. WILLIAMS
4904 CO. RD. 301 SE
HAVRE, MT 59501

LOCAL CHAIRMAN
J.T. LOWE
1358 BOULEVARD AVE.
HAVRE, MT 59501



Brotherhood of Locomotive Engineers

DIVISION 392

December 9, 1985

Mr. P. C. Keim
Superintendent Montana Division
Burlington Northern Railroad
235 Main St.
Havre, Montana 59501

Dear Sir:

As you are well aware a serious problem exists between Summit, Montana and Java, Montana with undesirable releases of the train brakes.

In the past two weeks there have been twelve incidents of undesirable brake releases brought to my attention. I talked to Mr. Bush on Monday, December 2 about three of these and attached find two more reports.

We must take action at once to reduce the risk of a major derailment and then find the reason for these brake releases.

If I can be of further help in this matter please call.

Yours truly,

Tom Lowe
Local Chairman Division 392

Enclosure

cc: Art Fiedler
Mechanical

SENATE LABOR & EMPLOYMENT
EXHIBIT NO. 18
DATE 2/13/87
BILL NO. SB 154





BURLINGTON NORTHERN RAILROAD

Billings, Montana
March 4, 1986

- Genl. Supt. - Elmore Loco
- Genl. Supt. - Glendive Loco
- Genl. Supt. - Mandan Loco
- Asst. Genl. Supt. - Laurel Loco
- Mech. Supt. - Gr. Falls Loco
- Mech. Supt. - Missoula Loco
- Mech. Supt. - Great Falls Loco
- Mech. Supt. - Helena Loco
- Mech. Supt. - Sheridan Loco
- Mech. Supt. - Dickinson Loco
- Mech. Supt. - Livingston Loco

NOTE

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For your information
Be sure all loco enginee
of your exempt offic
get a copy

G.D. Capet
G.J. H. Paul
cc GJN
cc DJC

SENT 3/17/86

- Mr. J. R. Staven
- Mr. P. C. Keim
- Mr. W. R. Grimstad
- Mr. J. R. Reynolds



Have received the following from Messrs. Bryan and Buchanan concerning undesired train brake releases:

"In a recently concluded study at Havre, Montana, observed by representatives of the FRA, it was established that banded brake pipe hoses were responsible for undesired train brake releases not caused by cycle braking. Banded hoses are also largely responsible for stuck brakes in a train.

In temperatures below freezing, banded brake pipe hoses can become variable orifices at the nipple end. The degree of brake pipe leakage depends upon hose position which is highly contingent upon train movement and slack condition. Normally a bunched slack condition will cause the hose to leak and a stretched condition will cause cessation of the leak.

Brake pipe leakage from a banded connection at the nipple end of a car can vary from zero psi to 4 1/2 psi and a demand of air flow from zero to 1.8 CFM.

The percentage of banded hoses in a train that exhibit variable leakage ranges from 7 to 42 percent. The lower the temperature, the greater number of banded hoses with variable leakage characteristics.

Undesired train brake releases occur when variable orifice hoses cause a drop in brake pipe pressure. Subsequent increase in brake pipe pressure as leaks are reduced or closed off causes a release of all or a significant portion of train brakes.

Instructions should be issued to yard and repair track forces to replace banded brake pipe hoses with crimped ferrule type hoses on BN C-6 hopper cars. BN coal cars should already have crimped ferrule hoses. The AAR has been requested to establish a two-year time frame for replacement of banded hoses with crimped ferrule hoses on cars in interchange service. These measures will take some time to have a significant impact on undesired train brake releases.

SENATE LABOR & EMPLOYMENT
EXHIBIT NO. 18
DATE 3/13/86
BILL NO. 28



BURLINGTON NORTHERN RAILROAD

March 4, 1986

Page 2

As an interim measure to prevent undesired train brake releases, all trains of 100 tons per operative brake or over should be closely examined for variable leakage banded hoses when all of the following conditions apply. Whenever practicable, such trains should also be equipped with an operative air flow indicator on the controlling locomotive.

- Train will be on descending grade of one percent or greater.
- Train automatic brakes will be applied continuously for five minutes or more to control train speed.
- Expected temperature will be zero degrees Fahrenheit or below.

Testing for variable leaking banded hoses must be accomplished with an ultrasonic air leak detector, where available. The use of air leak detectors was covered in my letter of March 19, 1984. All hoses displaying a leak when hose is pushed or pulled near the nipple end with a moderate amount of force must be removed and replaced with standard crimped ferrule hose.

Supervisors should inform locomotive engineers an air flow indicator will jump approximately two marks on the gauge just prior to an undesired brake release caused by intermittent leakage in the brake pipe. A "blow", as described in Air Brake Rule 501E, will only be indicated on a train with minimum brake pipe leakage."

Please see your subordinates are advised of the study results and that the referred to instructions are carried out.

Pat Corneille

W. A. Hatton

725:mr

cc: Mr. T. R. Jarnagin

WKMRG4-61

SENATE LABOR & EMPLOYMENT
EXHIBIT NO. 18
DATE 2/31/87
BILL NO. AB 5

Havre, Montana
March 14, 1986

File: 417.22

ALL TRAIN AND ENGINE PERSONNEL:

As you are aware, we have experienced, in the recent cold weather, incidents involving undesired releases of train brakes. I am sure that most of you are also aware that in February 1986, during the most recent subzero temperatures, extensive testing of train air brakes was performed by Mr. Art Fiedler and Mr. Carl Stendahl of the Air Brakes Department out of Overland Park, in cooperation with representatives of the Federal Railroad Administration and other Burlington Northern departments. The testing was done both in Havre Yard and on trains operating between Havre and Whitefish.

While I am sure that the problems are not totally resolved, we have found at least some answers and were able to duplicate the situations that have been reported to us. Basically, what was found was that the banded style of air hoses in cold weather conditions, set up sufficient leakage in a slacked bunched situation to start air flowing through the maintaining feature of the brake valve. When the slack becomes stretched, these leaks seem to close off which results in the air flowing back from the maintaining feature, adding up a 1½ to 2 lb. increase in brake pipe pressure and releasing the train brakes. This pretty much corresponds with what has been reported by various crew members and theories that have been formulated as a result of these reports. Action currently being taken is that on all Burlington Northern equipment, banded air hoses will be removed and be replaced with crimped hoses as quickly as supplies can be made available. We will be concentrating on unit grain train equipment first, since this is where we have had the most problems.

Simultaneously, the air brake department and the FRA will be approaching other railroads with these findings and urging that they too, start changing air hoses out. At the same time, we will begin pursuing a review of air hose standards with the AAR, with the intent of compelling the use of crimped style air hoses on all railroad equipment. To change out all of the air hoses will take a considerable length of time and to compel other railroads to conform, will involve extensive negotiations with them.

In the meantime, you should continue to report instances of undesired releases and when they occur, handle them as instructed in the Air

SENATE LABOR & EMPLOYMENT
EXHIBIT NO. 18
DATE 3-27-86
BH: NO 5B 54

TO ALL PERSONNEL

March 14, 1986

Continued

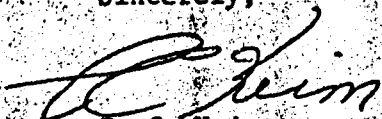
Page 2

Brake and Train Handling Manual.

It is also noted that while there is no conclusive proof, it is suspected by those people performing the tests and other observers, that the practice of using the regulating valve instead of the brake valve in setting air brakes, while descending the mountain grade maybe a contributing factor. Further tests will have to be done on this, but in the meantime, I would recommend that this practice be discontinued and that air brake applications be handled with the brake valve and not with the regulating valve.

The Management sincerely appreciates the thoroughness and openness of the reports of brake malfunctions that we have received, in conjunction with these undesired releases and we will keep you updated on further developments in investigating this problem.

Sincerely,



P. C. Keim
Superintendent

PCK:bls

SENATE LABOR & EMPLOYMENT

EXHIBIT NO. 13

DATE 2/3/87

BILL NO. 33 50

Resolution #77

TRANSPORTATION

WHEREAS, railroad safety is a matter of paramount concern to the Montana Democratic Party; and

WHEREAS, a caboose provides an extra safety factor to train crew members, motorists, livestock, cities and towns, farm and ranch lands.

THEREFORE, BE IT RESOLVED, that the Montana Democratic Party opposes all legislation which would repeal or amend Section 69-14-232 MCA requiring railroads to provide a caboose on the rear end of railroad trains with limited length requirements.

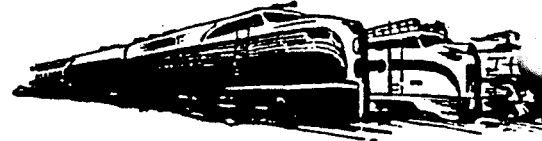
SENATE LABOR & EMPLOYMENT
EXHIBIT NO. 18
DATE 2-3-87
BILL NO. 38 54

SECRETARY-TREASURER
G.H. REITHMEIER
701 9TH ST. W
HAVRE, MT 59501

PRESIDENT
R.R. WILLIAMS
4904 CO. RD. 301 SE
HAVRE, MT 59501

LOCAL CHAIRMAN
J.T. LOWE
1358 BOULEVARD AVE.
HAVRE, MT 59501

Brotherhood of Locomotive Engineers



DIVISION 392

December 9, 1985

Mr. Arther H. Fiedler
9401 Indian Creek Parkway
P. O. Box 29136
Overland Park, Kansas 66201-9136

Dear Sir:

In the past few weeks several undesirable releases of the train brakes have occurred between Summit and Java, Montana. I am enclosing copies of reports I have received.

I can't express adequately my concern over this matter but a potential disaster looms before us and action must be taken.

I hope the information I have provided here will be of help as this situation must be rectified.

Yours truly,

Tom Lowe
Local Chairman Division 392

Enclosure

cc: P. C. Keim, Superintendent
Mack L. Glover, Vice Chairman BLE/GCA

SENATE LABOR & EMPLOYMENT

EXHIBIT NO. 18

DATE 2/2/87

BILL NO. 58 124

Serving Since 1863



12/03/85 train 209, lead unit 8077, #2 unit 2285, #3 unit 2276
#4 unit 4084

We picked up the train at Shelby MT, which was made-up on north #2 track, with 57 loads and 11 empties, 7443 tons, 3986 feet long. After inspecting units we made an air test, we had only 4 lbs. leakage in the train line. After leaving Shelby we experienced no problems with the air brake or the dynamic brakes, both worked very well.

As we approached the East switch at Summit Mt, the caboose crew called and informed me that they had 85 lbs. of air on the caboose gauge, only a 5 lbs. taper. Approaching the old depot sight at Summit a 5 lbs. reduction was made to warm the brakes and to melt the snow and ice off the wheels and shoes. At about the west industry track switch at Summit, about $\frac{1}{2}$ mile west of the old depot sight, 4 more lbs. of air were reduced, a total of 9 lbs. off the train line, which was set at 90 lbs. before the reduction and 81 lbs. after the reduction. At about the crossover switches at Maris Mt. the power was shut down to idle and the dynamic brake was gradually applied. This is my normal procedure. The speed at this time was 24 mph. I

increased the amperage on the dynamic to full to check its retarding force and to make sure the train would slow if needed later. Everything was working properly. At about the retaining wall or about $2\frac{1}{2}$ to 3 miles west of Maris, the speed of the train was gradually decreasing. I was using less and less dynamic until no dynamic at all was needed. The speed at this time was 15 mph. This is not a normal occurrence because the train is still on a 1.8% grade. The 1.8% grade starts at about Maris and ends at about Java East, 15 miles. Power was gradually applied to keep the train from stalling out. A release of the brakes or to cycle brake is not a safe procedure with a train of this tonnage or ton-per-operative brake because of train speed picks up to fast on this steep of a grade. I had to increase power to #8 throttle at times to maintain 20 mph. Speed limit from the East switch at Summit to Essex Mt. is 25 mph. After leaving Blacktail Mt., which is 8 miles from Summit and about 8 miles from Java East, less and less power was needed to maintain speed. At about the bottom dragging equipment detector or about $2\frac{1}{2}$ miles from Java East I was back into dynamic braking and increasing it more and more to maintain the 25 mph speed limit. 10 lbs. more was taken but speed was still increasing. 10 lbs. more air was reduced from the train line but no braking was noticed. Speed was increasing rapidly.

At about 1 mile from Java East I placed the automatic brake valve

The train speed was about 35 mph. This seemed to have no effect what so ever. The speed was increasing drastically each second, speed was 40 to 45 mph. The caboose was radioed and asked if the train was in emergency back there. They said they had 70 lbs. of air still on the caboose gauge. Emergency application was then placed on the caboose brake valve and the rear of the train went into emergency. The engine was approaching Java East at a speed of around 52 mph. The block was clear. As we approached Java West the speed was starting to decrease and we finally stopped about 2½ miles from where the emergency application was taken with the engine. The train was secured and inspected. After charging the train we made air brake tests. With the engines automatic brake valve a 6 lbs. reduction was made and a like reduction was noticed on the caboose. A second reduction was made again from the engine of 5 more lbs. to a total of 11 lbs. reduction. The reduction was not noticed on the caboose, it still had a 6 lbs reduction. With good radio communication to the caboose we moved the train to Essex Mt. carefully, which was about 4½ miles away. At Essex, after the proper brake reduction was made the engines were cut away and the train line on the train was allowed to go into emergency. At the same time the caboose did not go into emergency not until sometime later. We had an air flow gauge on the 8077 engine but noticed nothing unusual during the entire trip. The reason for the 90 lbs train was from previous experiences of brakes releasing on the trains with 100 lbs. train lines and also from talking to other engineers who have had similar experiences. The temperature at Summit and the temperature at Java did not seem to be that much different.

Robert O. Williams
LOCOMOTIVE ENGINEER
HAURE MT.

SENATE LABOR & EMPLOYMENT
EXHIBIT NO. 18
DATE 3/3/77
BILL NO. SB 27

NAME: James T. Mular DATE: 2-3-87

ADDRESS: 440 Roosevelt Dr R-1 Butte Mont

PHONE: (406) 494-2316

REPRESENTING WHOM? Bro Rwy Airline Clerks (BRAC)

APPEARING ON WHICH PROPOSAL: SB 154

SENATE LABOR & EMPLOYMENT

EXHIBIT NO 19

DO YOU: SUPPORT? AMEND?

OPPOSE? X 2316
BILL NO. SB 154

COMMENTS WE oppose SB 154 BECAUSE A TRAIN CREW ON THE REAR END'S FOR SAFETY OBSERVATIONS — BUT THE PROponents ALLEGED A COST SAVINGS FOR AN ALLEGED OUT-MODED TRAIN OPERATION. I SUBMIT TO YOU THAT BN HAS DEPRICATED THIS EQUIPMENT FOR TRAIN PURPOSES. WHICH BRINGS TO BEAR BN'S REASON FOR MAKING CABOOSE OPERATIONS OBSOLETE. RAILROAD OPERATIONS DICTATE THE NEED FOR CABOOSSES IN RURAL WESTERN STATES — DUE TO THE SMALL COMMUNITIES WHOSE SAFETY RESOURCES ARE LIMITED IN DEALING WITH DANGEROUS RAIL COMMODITIES. REAR ~~PERSONAL~~ TRAIN PERSONNEL HAVE CONSTANT OVERVIEW OF TRAIN DURING ITS MOVEMENTS ALONG THE RIGHT OF WAY.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

Ben Keating: alluded to a BAD BUSINESS CLIMATE RAILROAD BUSINESS IS EXCELLENT IN MONTANA ESPECIALLY BN RR. They made 783 million DOLLARS IN 1984 and 685 million in 1985 — ~~is~~ 6 ~~million~~ DOLLARS SAVINGS A PRICE TO PAY FOR SAFETY WHEN YOUR MAKING THAT KIND OF MONEY

~~Creating~~
Competition: What Competition? How about Reduction
in grain Rates. Has B.N. Reduced its Rate Structure
when Diesel Fuel was Reduced?
~~Proposed by Pat Kiam~~

~~an incident~~

Brotherhood of Locomotive Engineers

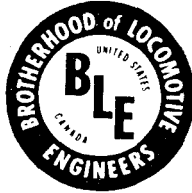
MONTANA STATE LEGISLATIVE BOARD

CHAIRMAN

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

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P.O. BOX 642
LIVINGSTON, MONTANA 59047



SECRETARY-TREASURER

GORDON PISCHEL
RT. 1 BOX 640
GLASGOW, MONTANA 59230

ALTERNATE SEC.-TREAS.

BERRY GREEN
P.O. BOX 162
GLENDALE, MONTANA 59330

Mr. Chairman & Members of the Committee:

I am Calvin Burr and I live in Havre. I am the Chairman of the Brotherhood of Locomotive Engineers Legislative Board. I am a locomotive engineer who will have 40 years with the former Great Northern and present Burlington Northern working out of Havre.

Our Board is an opponent to Senate Bill 154. We have grave concerns about operating with out a manned caboose on long trains.

The Burlington Northern has stated that the requirement of a caboose is an antiquated law and that rear end marking devices and telemetary devices will be as safe, as a manned caboose.

We are not here to stand in the way of new technology in our industry but we should make sure that this new technology is absolutely safe to be used. This hasn't been the case. We have requested that when a telemetary device is being used it should be so equipped that the Locomotive engineer can make an emergency application of the brakes from the end of the train unit by activating it from the receiver display unit on the lead locomotive. This hasn't been done. Because the safety of the entire train operations must be considered when permitting the use of the telemetary device, the train length should be restricted. Trains equipped with telemetary systems should not exceed 2500 feet in either local service and or through service. There should be specified safety procedures to follow when the rear end device fails. We are aware of many cases in which the device has failed and the railroad did nothing to repair the device for many hundreds of miles.

Why is it that the F.R.A. ignores our pleas for a safe way, on a cabooseless train, to make an emergency stop from other than the head end? Must someone die before this feature is mandatory? Even though it is much safer to have effective radio communication and a trainman who can set the brakes at the rear, it is apparent that the Federal Officials don't operate trains on a day-to-day basis nor do the business managers that control today's railroads.

It is evident to me that as long as the railroads can save a few dollars for their stockholders, they don't care how high the risk is for us, and the general public.

SENATE LABOR & EMPLOYMENT

EXHIBIT NO. 20

DATE 2/3/87

BILL NO. SB 154

Thank you
Calvin L. Burr Jr

Montana State Senate Committee on
Labor and Employment Relations

Mr. Chairman and members of the Committee:

I am Robert Walker. I am a graduate of Montana State University, School of Engineering; and I earn my living working as a Locomotive Engineer at Whitefish, Montana. I started my Railroad career in 1966, and since that time I have worked as Brakeman, Conductor, Fireman and Engineer in train operating service.

I would like to testify in opposition to SB 154.

The potential loss of the caboose from the trains I operate scares me. I fear for my own safety, the safety of my fellow crew members, and the safety of the general public who may be near the railroad.

Every caboose is equiped with one or more air brake valves which can be used to apply the brakes and stop a train. Because a blockage of the piping in the train brake system can and does occasionally occur--usually caused by an ice buildup in winter and by faulty air line valves which can viberate to the closed position any time of the year--a train cannot be stopped by even an emergency brake application made on the head end. The Railroads have not offered any alternative to our present ability to stop the train from either end.

The electronic equipment that the railroads so proudly claim can replace the caboose do not even begin to perform all the functions that a trainman now fulfill. Although, these devises are useful tools, they do not visually inspect the train for shifted loads, smoke, or other defects. They do not visually inspect the right-of-way for fires or other problems caused by the train, nor do they see vehicles which may have, and sometimes do, run into the side of the train after the engine has passed. They do not smell the smoke from sticking brakes, or see the splattering liquids from leaking tank cars, which can possibly be carrying dangerous chemicals. These electronic devises cannot walk up a train and repair a problem in a few minutes like a trainman can while you the public is sitting at a blocked crossing. These devises cannot protect a public road crossing for a backup movement, therefor, a considerable delay can occur while a trainman walks the full length of the train from the head end of the train to protect the movement.

I urge you to ask the railroads to adress and solve these vital safety issues, before they consider and ask to remove cabooses from our trains.

Thank you

R. B. Walker

SENATE LABOR & EMPLOYMENT
EXHIBIT NO. 2-1
DATE 2/3/87
BILL NO. SB 154

Morris W. Gullickson
323 So. 6th
Livingston, Mt. 59047

3 Feb. 1987

Labor and Employment Relations Committee

Senator J. D. Lynch, Chairman

Mr. Chairman and Members of the Committee:

I would like to introduce myself, I am Morris Gullickson, Livingston, Mt., representing the United Transportation Union. I am a conductor on the former Northern Pacific, running between Billings and Helena. I have 33 years in train service. I feel that I know about cabooses.

I and my crews have personally saved the company hundreds of thousands of dollars in cost, by preventing serious accidents, that the circumstances were discovered from the caboose. These things are numerous, such as piggyback trailers and containers being blown off trains, some containing hazardous materials. Other things as box car doors falling off onto adjacent tracks where other high speed trains run. Somethings are very simple as smelling smoke in the air, which indicates trouble ahead on the train. The company has alluded that these things can be taken care of by electronic devices. These things that I have mentioned cannot and are not detected by these devices.

All Committee Members have recieved booklets which has statements documenting these near accidents. I urge you to read at least the summary in the rear.

Many of these trains carried hazardous materials, which would have been involved. We as trainman don't like to be around these materials. But this is our job and what we are paid for. We are concerned about all the cities and towns that we take these trains through. You read about thses accidents in the papers all the time.

I would like to mention about Hot Journal Bearing Detectors. In my operating district and in other districts, these are not working properly. They virtuly do not work in blowing snow at any speed. The only protection then is visual, or walking the train or observiging the track behind the train to see if anything is tore up. These detectors trigger off when trains are not even in the area. Some do not count wheels properly. Direction of trains are not identified, so crews maning other trains are confused, and unable to keep track of other trains, both opposing and following. This creates a safety condition.

I would like to mention length of trains. When stopped for any length of time we try to cut any road crossing. The state law states that we cannot block crossings for more then 10 minutes. The head brakeman or the rear brakeman usually walks to the crossing and cuts the train to let traffic through. Sometimes this involves school buses and emergency vehicals. With extra long trains that we are handling now, and with a no caboose situation, this will not be done.

I sincerly hope you consider defeating this bill. This law came into being strickly on safety. The situation has not changed since it was passed into law four years ago.

SENATE LABOR & EMPLOYMENT

EXHIBIT NO. 22

DATE 2/3/87

BILL NO. 38

I would like to thank the Committee for their consideration.

Morris W. Gullickson

SENATE STANDING COMMITTEE
LABOR AND EMPLOYMENT RELATIONS

Mr. chairman, committee members,
FOR THE RECORD

My name is Roger Wagner. I reside at 2104 Houston Dr. in Whitefish and I am a conductor on the Burlington Northern Railroad.

Gentlemen I rise in opposition to SB 154. To substantiate my convictions I would like to relate to two incidents that happened on my district. I also would like to impress upon you that this is just the tip of the iceberg.

The first incident occurred at Browning involving colleagues of mine. This particular crew had taken charge of train #201-28 of March 1986 at Cut Bank. When taking siding at Browning to meet a eastbound train, and after stopping, five cars of loaded grain came uncoupled ahead of the caboose, the air breaks went into emergency application, and due to the heavy tonnage and the 1% eastward grade started to roll back. The conductor and his brakeman immediately set hand brakes on the front and rear of the caboose and prevented them from rolling back out on the main line. The fact that they were in the process of meeting an opposing train compounds the importance of their quick actions. A very serious collision type derailment could have occurred at the east switch because the five cars and the caboose would have entered the main line and the eastbound train would have ran into them.

The second incident I personally was involved in occurred November 24, 1986. We were working Train 1-208-22 Whitefish to Havre. Arriving Essex the dispatcher called us to pick up 20 loaded cars of gravel on the eastward siding. When pulling by these cars I counted 55 and not having any information I instructed the engineer to pull the caboose up to the depot and I would talk to the dispatcher by telephone to find out which cars to take. When the caboose stopped, the flagman got off the caboose to protect the rear end of the train. A man was sitting on a bench in front of the depot, got up and started to walk behind the caboose when the brakes released. The flagman grabbed the man pulled him back and prevented him from stepping behind the caboose just as the train rolled back 1½ cars. The action by the flagman prevented this man from being run over.

SB 154 is a safety issue concerning the people of Montana and the railroad employees. I ask you why does it take a serious accident or loss of life and thousands of dollars worth of damage to correct a adverse law or decision?

Mr. Chairman and committee members I ask you to oppose SB 154.

Thank you.

R. F. Wagner

SENATE LABOR & EMPLOYMENT

EXHIBIT NO. 23

DATE 3/17/87

BILL NO. 23-24

Raymond R. West
1245 12th Street
Havre, Montana 59501
February 1, 1987

Labor and Employment Relations Committee
Senator J.D. Lynch, Chairman

Mr. Chairman and Members of the Committee:

In regards to Senate Bill 154 I would like to present my opposition. As a conductor with 37 years of combined service for the Burlington Northern and Great Northern Railroads, I feel that the caboose is an important safety measure.

The Burlington Northern is conveying the message to the people of Montana that cabooses are no longer necessary. They argue that advanced technology has depleted the cost effectiveness and the necessity of the caboose. Granted the advanced equipment does help prevent some of the derailments. But, in our division alone, several serious train accidents have been avoided due to early detection by a train employee on the caboose. The Federal Railroad Administration is getting so negligent on railroad inspections that a substantial amount of defective equipment goes undetected until it causes an accident.

At the cost of a serious derailment resulting in the loss of human lives along with hundreds of thousands of dollars worth of equipment, how can the railroad justify these measures? By repealing HB 408 we would be jeopardizing public and employee safety.

States without mandatory caboose laws are now considering the passage of such laws. The Public Utilities Commission of Ohio has ordered an investigation of the need to require cabooses on all trains transporting hazardous materials in the state. The State of Texas ordered cabooses back on their trains after a serious train accident involving dangerous materials. These states have put this law to the test. Can we not learn from their mistakes?

RRW:pkw

Respectfully,

Raymond R. West

Raymond R. SENATE LABOR & EMPLOYMENT

EXHIBIT NO. 24

DATE 2/3/87

BILL NO. SB 154

Rick L. Cote
3434 14th Street East
Havre, MT 59501

Raymond A. West
1245 12th Street
Havre, MT 59501

Dear Sir:

I am writing to you in regards to a train derailment that occurred on June 14, 1986. On that day our crew was called for train 13 of the 13th at 2:35 p.m. We travelled from Glasgow to Dodson with no apparent problems. As we passed the hot box detector at MP 364 the train was operating normally. At 3:50 p.m. the detector gave us a favorable reading of "no defects."

Suddenly, at MP 367, our train went into emergency. Our crew conductor, Bob Dolan, informed me that we were in the ditch. Looking through the caboose window, I could see that our train was on fire. When the caboose came to a stop, I went outside to try and get a count of the cars remaining on the track. For safety's sake I did not try and get any closer to the fire.

I could count approximately 17 cars plus the caboose that were still standing on the tracks. The headbrakeman relayed, per radio, the number of cars left standing at the head end of the train. From this information we were able to determine that we had 20 cars piled up. The conductor went through the waybills and confirmed our belief that there were hazardous and dangerous materials involved in the fire.

The fire was already an enormous ball of smoke and flames. People were coming from nearby towns to watch the inferno. For safety reasons, I stopped the traffic and warned the people of the danger.

When the Malta Fire Department arrived, they stayed clear of the derailment until it was determined, through the Burlington Northern, the proper procedures for fighting this specific type of fire. Suddenly the fire began to explode with such force that you could feel the ground move. We learned that the explosions were 20 lb propane bottles blowing up. It was also my understanding that there were 6 or 7 carloads of gunpowder involved.

SENATE LABOR & EMPLOYMENT

EXHIBIT NO. 24

DATE 2/3/87

PAGE NO. 3B/5-4

(continued)

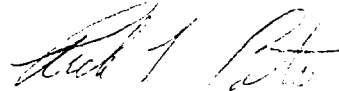
Both the Malta and Harlem Fire Departments decided against fighting the fire. They felt that the least dangerous procedure would be to let the fire burn itself out.

It is my belief Ray, that the caboose on this train prevented some very serious injuries. The crew on the caboose was able to warn the approaching public of the possible danger.

I would also like to point out that without a crew on the caboose it would have been nearly impossible to pinpoint which cars were on the ground. The ability to determine which cars were on the ground in relation to the hazardous materials being transported is of extreme importance.

I feel that the caboose and it's crew were the determining factors in avoiding injuries and/or fatalities in this case.

Sincerely,



Rick E. Tate

SENATE LABOR & EMPLOYMENT

EXHIBIT NO. 24

DATE 2/3/87

ROLL NO. 38 150

February 3, 1987

Chairman Lynch and Members of the Committee:

My name is Frank I. Poucher Sr. and I reside at 402 East Clark Street, East Helena, Montana. I am opposed to SB 154.

I worked as a brakeman and conductor from January 3, 1944 until I retired January 17, 1977. My service was continuous except during World War II while I served in the Marine Corps.

Railroading is a very hazardous job under the best of conditions and eliminating the caboose would make it even more so.

In my thirty-three years of service there have been many instances in which we have avoided derailment because of problems we have observed from the caboose. One on the biggest threats of derailment is when loads on the cars shift. When this happens it is easily spotted from the caboose therefore serious accidents have been averted. On one occasion I noticed a ball of fire about 60 cars ahead of the caboose. I signaled for the train to stop and found that a propane tankcar had a leak at the seams and when the brakes were set the gas would catch fire. The brakes were disconnected and the car was taken into Great Falls. If a car detrailes in the middle of the train that problem can be detected by the marks on the ties that we saw from the caboose.

There were just too many times to mention here that accidents have been averted by using the capability that the caboose offers to observe the train. For the safety of railroad personnel and protection for the businesses that ship products by rail. please vote **against** SB 154.

Respectfully yours,

Frank I. Poucher

Frank I. Poucher

SENATE LABOR & EMPLOYMENT

EXHIBIT NO. 25

DATE 2/2/87

BILL NO. SB 154



Box 1176, Helena, Montana

JAMES W. MURRY
EXECUTIVE SECRETARY

ZIP CODE 59624
406/442-1708

TESTIMONY OF JIM MURRY ON SENATE BILL 154 BEFORE THE SENATE LABOR AND EMPLOYMENT
RELATIONS COMMITTEE, FEBRUARY 3, 1987

Good afternoon. I am Jim Murry, executive secretary of the Montana State AFL-CIO. I am here today to testify in opposition to Senate Bill 154 which would repeal the requirement for cabooses on freight trains.

In 1986, our state labor federation unanimously adopted a resolution favoring continuance of Montana's caboose law, which was enacted in 1983. We believe that this law, which requires all freight trains of 2,000 feet in length or greater, to have a manned caboose is needed. Its provisions provide essential and vital protection for railroad workers as well as to public safety, health and property.

The Burlington Northern Railroad has instigated an intense lobbying effort to persuade the public as well as policy-makers that this statute is an antiquated and needlessly expensive anachronism. They would like you to believe that manned cabooses are not necessary for either worker protection or public safety. In fact, they incorrectly contend that automation can totally replace the duties now completed by rear breakpersons and conductors.

However, it is our contention that these highly trained and skilled employees monitor trains for numerous problems that cannot be detected by electronic devices. Most importantly, should a dangerous situation develop on a train, these workers have the ability, by means of a stop valve, to halt the train; thereby avoiding a potential disaster.

Workers in the caboose can detect derailed cars, dragging equipment, monitor for shifting loads and detect grass fires along the tracks. Any of these situations could endanger public safety and property if action is not promptly taken.

Monitoring trains is especially critical because freight train lengths have increased significantly. These trains also regularly carry hazardous materials which have the potential to endanger public safety. Contents of these trains may include combustible materials, caustic chemicals and radioactive wastes. Close and detailed monitoring of rail cars carrying these toxins is needed; especially in Montana's rugged, mountainous terrain.

are mechanisms
~~Hot boxes are~~ Automated detectors, which the railroads have installed to replace human scrutiny. However, these devices are not fail-safe. They can monitor some potential problems such as hot wheels, but they miss other problems such as broken wheel flanges that would cause major accidents.

Montana's caboose law serves to promote the safety and well-being of all Montanans. We urge you to oppose Senate Bill 154.

SENATE LABOR & EMPLOYMENT
EXHIBIT NO. 26
DATE 2/3/87
BILL NO. SB 154

SENATE STANDING COMMITTEE
LABOR AND EMPLOYMENT RELATIONS

Mr. Chairman, committee members.

My name is Roger Wagner. I reside at 2104 Houston Dr. in Whitefish and I am a conductor on the Burlington Northern Railroad.

Gentlemen I rise in opposition to SB 154. To substantiate my convictions I would like to relate to two incidents that happened on my district. I also would like to impress upon you that this is just the tip of the iceberg.

The first incident occurred at Browning involving colleagues of mine. This particular crew had taken charge of train #201-28 of March 1966 at Cut Bank. When taking siding at Browning to meet a eastbound train, and after stopping, five cars of loaded grain came uncoupled ahead of the caboose, the air breaks went into emergency application, and due to the heavy tonnage and the 1% eastward grade started to roll back. The conductor and his brakeman immediately set hand brakes on the front and rear of the caboose and prevented them from rolling back out on the main line. The fact that they were in the process of meeting an opposing train compounds the importance of their quick actions. A very serious collision type derailment could have occurred at the east switch because the five cars and the caboose would have entered the main line and the eastbound train would have ran into them.

The second incident I personally was involved in occurred November 24, 1966. We were working Train 1-208-32 Whitefish to Havre. Arriving Essex the dispatcher called us to pick up 20 loaded cars of gravel on the eastward siding. When pulling by these cars I counted 55 and not having any information I instructed the engineer to pull the caboose up to the depot and I would talk to the dispatcher by telephone to find out which cars to take. When the caboose stopped, the flagman got off the caboose to protect the rear end of the train. A man was sitting on a bench in front of the depot, got up and started to walk behind the caboose when the brakes released. The flagman grabbed the man pulled him back and prevented him from stepping behind the caboose just as the train rolled back 15 cars. The action by the flagman prevented this man from being run over.

SB 154 is a safety issue concerning the people of Montana and the railroad employees. I ask you why does it take a serious accident or loss of life and thousands of dollars worth of damage to correct a safety issue or problem?

Mr. Chairman and committee members, ask you to oppose SB 154.

Thank you.