

MINUTES OF THE House COMMITTEE ON Transportation

The meeting was called to order by Representative Rex Crowell at  
Chairperson

1:30 ~~xxx~~/p.m. on February 6, 1984 in room 519-S of the Capitol.

All members were present ~~xxxxx~~

Committee staff present:

Hank Avila, Legislative Research Department  
Fred Carman, Office of the Revisor of Statutes  
Donna Mulligan, Committee Secretary

Conferees appearing before the committee:

Representative Elizabeth Baker  
Representative Robert H. Miller  
Mr. Jack McGlothlin, United Transportation Union  
Mr. Bryan Whitehead, Brotherhood of Railway and Airline Clerks  
Mr. Leroy D. Jones, Brotherhood of Locomotive Engineers  
Mr. Don Pritchard, Locomotive Engineer, Emporia, Kansas

Chairman Rex Crowell opened the meeting by distributing the Performance Audit Reports on the "Driving Under the Influence" study to the committee members.

The next order of business was HB-2706. Representative Elizabeth Baker, sponsor of the bill, addressed the committee in support of HB-2706. (See Attachment 1)

Representative Baker said that the caboose is important in the maintenance and promotion of public safety. She explained that traditionally cabooses were used for many things besides safety. They were "rolling dormitories" for railroad men on long trips, they housed tools for when repairs were necessary, and provided miniature offices for paperwork. She went on to say that dangers involved with railroads have increased over the years due to the transporting of tons of hazardous wastes and toxic materials at high rates of speed.

Representative Baker cited various instances whereby trainmen riding cabooses played a key role in reducing the risk of personal injury and property damage. During the summer of 1983, a trainman in the caboose of a train working on a branch line between Bonner Springs and Leavenworth spotted a fire along the right-of-way which was moving into a wheat field. A prompt call by a trainman to the nearest fire department helped prevent extensive property damage and crop loss.

Representative Baker told the committee that in August of 1983, a faulty valve on a tank car transporting dangerous ammonia gas forced the evacuation of 130 people in a 6 square mile area in southeast Sedgwick County. The leak was discovered by the conductor in the caboose who noticed smoke coming from the middle of the train who promptly reported the hazard to the appropriate officials.

She told the committee of another incident which occurred recently in Merriam, Kansas where a 100 car train was stopped, blocking the path of an ambulance. A trainman in the caboose about 10 cars south of the crossing noticed the problem, went to the crossing, uncoupled the cars blocking the crossing so the ambulance could pass.

CONTINUATION SHEET

MINUTES OF THE House COMMITTEE ON Transportation,  
room 519-S, Statehouse, at 1:30 ~~xx~~/p.m. on February 6, 1984.

Representative Baker concluded her presentation by reiterating that cabooses and the trainmen who occupy them do play an essential and critical role in protecting the public's safety.

The meeting was then opened to questioning by the committee. Representative Fuller asked Representative Baker if she felt this issue is based on safety or could this be classified as a Labor-Management problem. She replied that she supports HB-2706 from a standpoint of public safety, and it is the responsibility of the legislators to do what is best for the people of Kansas.

Chairman Crowell asked Representative Baker if her failure to discuss the economic questions indicates she feels that the issue of safety is of greater significance than any economies that might exist. Representative Baker advised that she feels the expense of a caboose has always been absorbed the the railroads.

Representative Robert H. Miller took the stand and testified in support of HB-2706, and told the committee he feels it is important for trainmen to be riding in cabooses to report accidents involving people hitting trains, especially in times of darkness.

Mr. Jack McGlothlin of the United Transportation Union was introduced, and gave testimony supporting HB-2706. (See Attachment 2)

Mr. McGlothlin stated his organization's only consideration in supporting legislation on HB-2706 is safety. He brought to light the fact that in 1893, due to the tremendous loss of life and thousands of maiming injuries to brakemen, switchmen and conductors, the U. S. Congress passed a law mandating the use of automatic couplers and automatic air brakes for trains and engines. Mr. McGlothlin pointed out that American railroads put up a long and bitter fight against the legislation. Management was forced by Federal Legislation to provide electric headlights on locomotives, and the same is true regarding the Federal Safety Appliance Act, the Locomotive Safety Inspection Act, and the Boiler Inspection Act. He told the committee Railroad Management fought each of these safety legislative proposals and in each instance, the rail carriers profited from the legislation.

Mr. McGlothlin gave further accounts of the numerous times trainmen riding in cabooses saved lives, prevented injuries, as well as preventing property damage.

The meeting was then opened for questioning by the committee and Chairman Crowell asked Mr. McGlothlin if it was true that the requirement for cabooses was negotiated away at the national level. Mr. McGlothlin said that is true and the caboose matter was just a part of the National negotiations. He added that it wasn't a main issue and they had been led to believe it was the only issue. It was a matter of wage and working conditions negotiations.

Chairman Crowell queried Mr. McGlothlin as to the amount of savings involved in doing away with the caboose, and he replied that whenever something of this nature develops the railroads pick a large figure and advertise in newspapers and on the radio about their savings. Then, after they accomplish their objective, there is generally no reduction in rates. Mr. McGlothlin said he had heard the figure of a \$40,000,000 savings in Kansas and surely a freight rate reduction could be expected, but he didn't think it would happen.

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Chairman Crowell brought up the point of safety on the part of the Florida East Coast Railway which has supposedly operated safely without the use of cabooses, and asked Mr. McGlothlin if he would comment on that.

Mr. McGlothlin replied that trains running in Kansas are anywhere from 7,000 to 10,000 feet long, and the Florida East Coast operates from Jacksonville to Hialeah, it runs on level territory, the average train length is 60 cars, they have people at the depot of each station whose responsibility it is to place themselves on each side of the train and inspect that train as it goes by. He stated that in Kansas there has been regular programs doing away with agents at stations and the people who work at the stations.

Representative Justice asked Mr. McGlothlin if there would be a reduction in the number of crewmen if the caboose is done away with, and the reply was that it should remain the same without jobs being cut.

Mr. Bryan Whitehead, Kansas Legislative Director for the Brotherhood of Railway and Airline Clerks and also representing the Kansas State Federation of Labor, AFL-CIO, testified in support of HB-2706. (See Attachment 3) Mr. Whitehead stated that the organizations which he represents support Mr. McGlothlin's testimony and recommend HB-2706 for enactment in the public interest.

Mr. Leroy D. Jones, Kansas State Legislative Representative, Brotherhood of Locomotive Engineers, testified as a proponent of HB-2706. (See Attachment 4) He stated his organization is in favor of HB-2706 and gave an account describing when he was assigned to a job as an engineer on a train which was hit by an automobile. He explained that the conductor rushed up to the burning car and pulled the two ladies to safety. Mr. Jones contended that if there had not been a caboose and a man riding in it, the two ladies probably would have died.

Mr. Jones advised that in the area of safety to trainmen, an example would be stopping by use of the emergency brake valve from the rear of the train when something happens to the control brake valve on the locomotive of the train. Also, Mr. Jones pointed out the manned caboose is instrumental in expediting the movement of trains, as the fastest way to couple a train together and move off the crossings is to have the rear man on the train do the coupling and get on the caboose as the train is being pulled by him.

The meeting was then opened to questioning by the committee.

Chairman Crowell asked Mr. Jones if running a caboose on trains increases the cost of shipping. Mr. Jones said that everytime a train is standing still it is costing the railroad money and by having trains with manned cabooses, the trains are kept moving.

Representative Knopp questioned Mr. Jones regarding differences in vision from the front of the train looking back or the back of the train looking to the front, and if the length of the train was a factor. Mr. Jones replied that from looking back he had found a hot box, however, the conductor also inspects the track behind the train.

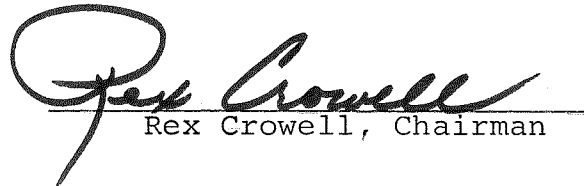
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Chairman Crowell introduced Mr. Don Pritchard, a locomotive engineer for the Santa Fe Southern Pacific Railway at Emporia, Middle Division, who testified in support of HB-2706. (See Attachment 5)

Mr. Pritchard pointed out that the caboose is specially designed for the important purpose of watching the train, and the engine and engine crew are concerned with where the train is going rather than where it has been. Crews at each end of the train have specific duties to perform and safe operations cannot be conducted from only one end of the train. He went on to say that with trains 7,000 to 9,000 feet long, it would be impossible to see problems if the entire crew was on the front of the train.

The meeting was adjourned at 3:05.

  
Rex Crowell, Chairman



GUEST LIST

COMMITTEE: Transportation

DATE: 2-6

PLEASE PRINT

NAME	ADDRESS	COMPANY/ORGANIZATION
N. L. Claus	Topoka, Ks.	ATSF / UTU
E. P. Plummer	Topoka Ks	UP / UTU
James W. Gilchrist	Topoka, Ks	UP / U. T. U.
Charles Gill	Kansas, Ks	UP / UTU
Michael M. Bush	EMPORIA, Ks	ATSF / U.T.U. (E)
Donald D. Pritchard	Emporia, Ks	ATSF / UTU (E)
M. R. Hicks	Lenexa, Ks	<del>U.T.U.</del> U.T.U.
J. M. Hicks	Wentzville, Mo.	U.T.U.
Jack McWhorter	Pellegrino, Ks	U.T.U.
Ron Calbert	Newton, Ks	U.T.U.
Leroy Jones	Overland Park	B.L.E.
BRYAN WHITEHEAD	KCK	BRAC
Wayne Mankel	Top 75	KANSAS AFL-CIO
Robert J. Hopkins	1815 Lott St. <sup>Topoka</sup> Ks	BRAC
Q. M. Hesser	Topoka - Ks	ATSF
Pat Hufell	Topoka Ks	Kans. Assoc.
Michael J. Franz	Topoka	SPTC
R. B. Bann	Topoka	ATSF
Michael C. German	Topoka	Ks Railroad Association
Don Brown	Oswatimie	UTU
Howard Brown	Oswatimie, Ks	UTU
Art Winters	TOPEKA	AT&T
Don J. J. J.	Kansas City	AT&T

GUEST LIST

COMMITTEE: Transportation

DATE: 2-6

PLEASE PRINT

NAME	ADDRESS	COMPANY/ORGANIZATION
Becky Crenshaw	Topeka	Committee of Farm Orgs
Ron Gages	TOPEKA	KACI
Howard Ferguson	SHAWNEE	U.T.U
Jim A. Houston	Shawnee	U.T.U./ATSF
Ryan T. King	K.C. Ks	U.T.U./ATCF
David Hotzel	Shawnee	U.T.U./ATSF
BURR SIFERS	CHANNEL 19	
Larry V. Bell	TOPEKA KAN.	BLE & UTUE
Bob Gooty	Topeka	Gov. Office
Raymond Kelly	Lighter	KAZS
John M. Quance	Chanute Ks	BRAC
CA Booe	Chanute Ks	UTU SFE
Vic Hochstatter	Great Bend	NARVE
Theodore Butler	Wellington Ks	"
Merle Slack	Wellington Ks	"
Aileen Havelant	Wellington Ks	"
Morris Platt	Wellington Ks	"
Jerry Maul	Topeka, Ks	Kyle R.R. Co.
Mark Schenewerk	Phillipsburg, Ks.	Kyle R.R. Co.
Lola Killam	Topeka, Kansas	NARVE
HD Killam	Topeka Kan	NARVE
Nancy Zielke-Bigsby	Topeka	KDOT

February 6, 1984

TO: House Transportation Committee

FROM: Representative Elizabeth Baker

RE: House Bill 2706

OBJECTIVE: To prevail upon the Committee to pass favorably House Bill 2706 because of their comprehension of the dangers to the public's welfare if cabooses are removed.

The railroads of the nation have announced their intention to abolish the caboose. They say that it no longer serves a useful purpose and that the legislature has no business interfering with the implementation of their decision. The testimony today will show that the caboose has not outlived its usefulness. Indeed, it continues to serve an interest of paramount importance, namely, the maintenance and promotion of public safety. In cases where the public's safety is concerned the legislature has not only the right, but the responsibility to interfere.

House Bill 2706 is an uncomplicated bill that would make cabooses mandatory in our state. Section 1 defines terms used. Section 2 designates the use of cabooses to areas other than terminal service. Section 3 specifies cabooses that are placed on trains to be over 1,000 feet in length. Section 4 includes the requirements for operable radios. Section 5 gives the KCC the power to regulate and enforce this act. Section 6 provides a penalty of \$500 to \$1,000 for each violation and each day the violation occurs.

It cannot reasonably be gainsaid, that the fundamental mission of government is to protect and promote the public welfare. The public's safety is an inherent element in the concept of public welfare. When private business decisions such as the railroad's, threaten the public safety, responsible legislators have a duty to act reasonably, even though such action may impose some restraints upon the extent to which the railroads can maximize their profits. This bill announces

a legislative policy which values the public safety over private profit.

Traditionally cabooses were used for many things besides safety. They were "rolling dormitories" for railroad men on long trips, they housed tools for when repair was necessary and they had miniature offices for paperwork. In our rapidly changing society trains are getting places faster, the equipment is too sophisticated to move around, and most paperwork is done by computer. So then what has happened to the safety factor over the past 140 years since cabooses first appeared? In reality dangers involved with railroads have increased, and not necessarily because of the railroads, but because of outside factors that have made the railroads the responsible party. For example, at the turn of the century we were not transporting tons of hazardous wastes and toxic materials all over our nation by rail or by any other way. The trains themselves were not traveling at high rates of speed with lengths up to 10,000 ft. (almost 2 miles). There were not 230 million people living here whose lives could be endangered. Rather than decreasing, the need for a caboose has increased and is presently of great significance in the safe operation of a train.

Tomorrow, you will witness the by now familiar litany recited by the railroads that the caboose is a thing of the past, a useless appendage. ALL of their exculpatory arguments and technological talk fail to address the central issue here, the role played by the caboose in reducing the risk of personal injury and property damage. The fact that those risks present a clear and present danger to public safety and that cabooses play an essential role in reducing such risks is documented by the following instances:

First: During the summer of 1983, a trainman in the caboose of a train working on a branch line, between Bonner Springs and Leavenworth spotted a fire along the right-of-way which was moving into a wheat field. A prompt call by a vigilant trainman to the nearest fire department helped prevent extensive property damage and crop loss. This is but one example of a plethora of fires which annually

occur **along** railroad right-of-ways. The fact that many of these **fires** are discovered by trainmen in cabooses rather than "**wayside** detectors" is impressive evidence that such devices **are** not fail safe and of the necessity of maintaining a man **in** the caboose. Kansas is the bread basket of the nation with **over** 7,000 miles of railroad tracks, the 3rd longest in the **country**. This mandates the maintenance of the caboose as **added** insurance against the destruction of our wheatlands.

Second: Railroads now transport about seventy percent of hazardous materials moved in commerce in this country. On August 11, 1983 a **faulty** valve on a tank car transporting dangerous ammonia gas forced **the** evacuation of 130 people in a 6 square mile area in southeast Sedgwick County, most of which is in my district. The car in **question** was a part of an eighty-nine caré Santa Fe train en route from Wellington to Emporia. The leak was discovered by the **conductor** in the caboose who noticed smoke coming from the middle of the train and promptly reported the hazard to the appropriate officials. Sedgwick County sheriff, Johnie Darr, one of **the** officers at the scene, reports that he still suffers respiratory problems as a result of being exposed to the ammonia gas which escaped from the Santa Fe car. What could have been a disaster of catastrophic proportions was discovered not by the "wayside detectors" touted by the railroads, but by a vigilant conductor riding in the "way" car. Imagine for just a moment, a train with today's great lengths, possibly 1½ miles long, with trouble at the rear of the train. How long would it take for the trainman in the engine to reach the rear? Twenty to Twenty-five minutes? It could possibly be even longer. Consider the kinds of

terrain a train travels over, and if it happened to be stopped on a trestle? How would the trainman get to the rear?

Third: Trains with a length in excess of one mile frequently block heavily traveled streets in metropolitan communities and in smaller communities. In Wichita, for example, one train can block six to seven main streets in the downtown area for up to twenty minutes delaying traffic including emergency medical and fire vehicles. "Wayside detectors" do not detect emergency medical and fire vehicles en route to a person in need of medical services or a burning home or business. Trainman in cabooses have and will continue, if we act responsibly, to detect and assist in resolving such emergencies. A case in point occurred just a few weeks ago in Merriam, Kansas where a 100 car train was stopped, blocking the path of an ambulance. A trainman in the caboose about 10 cars south of the crossing, noticed the problem, went to the crossing, uncoupled the cars blocking the crossing so that the ambulance could pass. Although it is impossible to document the number of lives saved and the amount of suffering prevented by such an action, the added risk of loss of life and property which may be anticipated without trainmen monitoring both ends of the train cannot be denied.

Fourth: The following case histories are a compelling testament to the importance of the vigilance of trainmen located in the caboose. A trainman reported that he was stationed in a caboose of a Santa Fe train which was stopped near the Kansas City baseball park. As he was watching the train he noticed five or six youngsters board the train. He immediately radioed the engineer not to move the train and then called for the railroad's special agent to remove the boys, thereby averting a potentially dangerous situation.

The lives of two young boys were possibly saved by a Santa Fe conductor who noticed the boys crawl under a fifty car Santa Fe train which was stopped on a curve. The conductor called the engineer and instructed him to not move the train. The conductor was located in the caboose. It was impossible for the boys to be seen from the front end because of the length of the train.

"Wayside detectors" are absolutely useless in these kinds of life and death situations.

Fifth: "Wayside detectors" are also useless in detecting crossing accidents which from time to time may occur in the middle of the train and go unnoticed by the men at the front end. In these cases trainmen in the caboose are frequently able to get to the scene first, call for help, and render assistance to the injured. Human protection is essential at both ends of the train.

Sixth: The risk of personal injury and property damage frequently occurs because of improperly loaded cars or a load that has shifted in transit. A trainman from Kansas City reports that he recently observed a shifted load of lumber hanging over the side of the car and "fouling" the adjacent track. The trainman located in the caboose, radioed the engineer to stop the train so that the car in question could be removed from the train thereby averting a possible derailment.

Seventh: Derailments are a reoccurring problem on most railroads. They are frequently discovered first by the trainman in the caboose. e.g., a car located about 15 cars ahead of the caboose derailed causing several other cars, including a car of peanut oil to derail which led to a violent explosion. At the time of the derailment, the engine crew was unaware of the impending disaster. The crew in the

caboose immediately radioed the local fire department and police as well as the engine crew. The crew in the caboose then went to the scene to render assistance. Although personal injury and substantial property damage did occur in this case, the potential of far more suffering and loss was avoided by prompt action from the crew in the caboose. One wonders how much more injury and destruction would have occurred in this case, if detection was left to dragging equipment detectors.

Eighth: The railroads will argue that their Centralized Traffic Control systems have eliminated the necessity of trainman in the caboose to protect the rear of the train. As the following case history demonstrates, the CTC system is not failsafe. A rear brakeman reports a case in which his train was stopped on one of two mainline tracks. As the rear end crew was stretching their legs, they noticed another train with six units approaching them from the rear on their track. The caboose crew ran toward the approaching train giving the appropriate stop signals. Fortunately, they were able to flag the train to a stop just 40 feet from the rear of their train.

It is anticipated that the railroad will argue that the caboose frequently is involved in personal injury claims against them and that if the caboose is eliminated, the risk of injury to employees who occupy the caboose will be eliminated. It is submitted that this argument is irrelevant here, and, indeed, can confuse the risk which is relevant. The risk which is relevant here, is the risk to the public of injury and property damage presented by trains without cabooses. The issue has to do with the extent to which trainmen in cabooses reduce that risk. To the extent that cabooses are involved in personal injury to railroad employees, that is the responsibility of the railroads and not the public!



The evidence presented here is clear and compelling. Cabooses and the trainmen who occupy them do play an essential, indeed, critical role in protecting the public's safety. To say otherwise is beyond the pale of rational discourse. Our duty, as responsible legislators is clear, endorse House Bill 2706 as essential to the public's welfare.

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***united transportation union***

KANSAS STATE LEGISLATIVE DEPARTMENT

STATEMENT OF  
JACK A. MCGLOTHLIN, DIRECTOR  
KANSAS STATE LEGISLATIVE BOARD  
UNITED TRANSPORTATION UNION

Before the Transportation Committee  
Kansas House of Representatives

In regard to H.B. 2706

February 6, 1984

With Exhibits

Attachment 2

1984

STATEMENT OF JACK A. MCGLOTHLIN, DIRECTOR,  
KANSAS STATE LEGISLATIVE BOARD  
UNITED TRANSPORTATION UNION  
IN SUPPORT OF H.B. 2706

Mr. Chairman and members of the Committee, I am Jack A. McGlothlin, Director of the Kansas State Legislative Board - UNITED TRANSPORTATION UNION. I am a duly elected officer, authorized to speak for our some 7,200 active and retired Kansas members and their families. I appear in support of H.B. 2706.

We consider H.B. 2706 to be priority legislation for the safety of the Kansas public. Our only consideration for this priority legislation is safety.

Railroad unemployment is at its lowest point in the history of the industry, while actual tonnage hauled is increasing steadily. The voluntary safety record of the Association of American Railroads is one that does not stand close scrutiny; history has a way of spotlighting such things.

Because of the tremendous loss of life and the thousands of maiming injuries to brakemen, switchmen and conductors, the United States Congress passed a law mandating the use of the automatic coupler and automatic air brakes for trains and engines. That was in 1893. American Railroads put

up a long and bitter fight against the legislation. Management was forced by Federal Legislation to provide electric headlights on locomotives. The same is true with regard to the Federal Railroad Safety Appliance Act, and the Locomotive Safety Inspection Act and the Boiler Inspection Act. Railroad Management fought each of these most important safety legislative proposals. In each instance, the rail carriers profited from the legislation. I have copies of each of these acts and transcripts of the hearings.

The carriers didn't stop at that level. In 1959, after a formal request by the state director of the former Brotherhood of Railroad Trainmen, Rollie Cooley, for a promulgated rule to require electric marker lights on cabooses - as a safety measure - the State Corporation Commission held hearings and issued an order requiring electric markers on cabooses and rear cars of passenger trains, in the interest of public and employee safety. The railroads fought that proposal.

In 1972, the State Corporation Commission held hearings to ascertain the need for designated high incident fire areas in Kansas, due to the many fires set by railroad locomotives and trains. The Commission also advocated locomotive exhaust stack spark arresters. The carriers

opposed that. The Commission did adopt rules and regulations providing for designated high fire areas and for locomotive exhaust stack spark arresters. These, along with the trainmen riding cabooses and reporting fires set, before they got out of hand, has tremendously reduced the dollar cost and the acres burned. At the time the rules were adopted in 1972, there were 580 train set fires, burning 29,287 acres. For 1983, the latest figures available, show 238 train set fires and 2,832 acres burned. That's a 90% decrease since the Commission's ruling. The public's safety and cost has certainly benefited by the Commission's action. To illustrate employee-on-caboose contributions, I will quote from a letter received from trainman R. L. Hitz on August 26, 1983.

On August 26, 1983, Conductor R. L. Hitz had the following incident happen, and I quote in his own words:

"I was Conductor on train 01-LACHT-23, the Extra 6370 East. We had 68 cars, mostly T.O.F.C.s, with a few 50-foot cars just ahead of the caboose.

About 4:00 AM, just west of Canton, Kansas, we set a right of way fire. After discovering the fire, I found brakes sticking 24 cars ahead of the caboose. I was able to notify the Dispatcher before the fire got out of control. Kansas was extremely dry with a high fire danger at that time; I would not have discovered the fire if I had not been on the caboose at that time."

Due to the rail carriers' refusal to adopt a uniform rear end electric lighted marker provision, the Federal Railroad Administration promulgated a rule, and after proper hearings, etc., published it in the Congressional Record. The Association of American Railroads refused to comply. The U.S. Secretary of Transportation had to bring suit against the Association of American Railroads to force compliance. The carriers took the case all the way to the U.S. Court of Appeals in opposing the FRA's right to promulgate safety rules. In upholding the lower court's decision, the Appeals Court used stern language directed against the railroads' position. Now they will be opposing H.B. 2706, just as they have opposed every other legislatively enacted safety measure - from the U. S. Congress, State Legislatures and all regulatory bodies.

I will cite you a few of the many, many letters I have received from railroad employees working on cabooses and the type of safety actions they perform daily. The carrier officials recognize these contributions as I will document.

On December 14, 1983, Atchison Topeka and Santa Fe Brakeman L.L. Gray and Conductor Jeff Boileau were on caboose #999393, train 1453 N-1, Extra 3643 West at Enid, Oklahoma. In Conductor Boileau's own words, this incident occurred:

"At 6:55 PM, we observed two boys, about 12-14 years of age, crawl under our train. I was on the caboose. I called the engineer on the radio and told him not to move. The train was stopped on a curve, and it was impossible to see this incident from the Head end because of the 50-car length of the train.

I feel that if it weren't for the alert action taken by the trainmen on the occupied caboose, these children would have been either killed or seriously injured."

On December 27, 1983, Atchison Topeka and Santa Fe Conductor William F. Strange had a similiar experience when two young children crawled between two cars of stopped train No.

513Z1, outside of Flynn yard, and pulled the pin lifter, approximately 30 cars to the rear of the engine. The rear brakemen went forward to recouple the train, which had a total of 95 cars, while Conductor Strange radioed the Engineer to avoid injury to the children, the train, and the freight.

A statement from Conductor Donald R. Ward, Jr.:

"This is a statement of an incident involving my train, #513-A-1 an east bound train, and 6315 A-1 a west bound R.C.E. Grain train meeting at Britton, Oklahoma, on October 1, 1983.

My train headed into the siding at Britton to meet the West bound 6315. We were in the clear a sufficient amount of time to allow the dispatcher

to line up both ends of the siding and to avoid stopping either of us, but this was not done.

The grain train was stopped and we were allowed to proceed out of the siding at the east end.

The 6315 finally got his signal and released his airbrakes in order to proceed. Being on an uphill grade and his slack bunched, the slack began to roll east toward the siding signal and our departing train.

The alertness of the brakeman on the Waycar of the 6315, by putting the train into emergency, avoided a collision with our train and serious injury to myself on our rear end."

Conductor R. W. Henderson reports as follows:

"January 6, 1984

"I was on a 6635 on the 12-22-83, which was a R.E.C. Grain train, with 3 units in the lead and 3 units 49 cars from the rear of our train. Our train had 120 cars and was 7200 feet long. We went to Oklahoma City to pick up this unit train which was left on the north track at 16th street. On arrival, the engineer released the air on the train and after a reasonable length of time began to move the train. As he was pulling our train by, I and the rear brakeman checked our train for hand brakes and air leaks and any other defects. When the rear car reached the crossing, I told the engineer to stop as we noticed there was not a way car on the rear of the train, and on the rear car the air was blowing through the train line easily. There were 3 units on the head end and 3 units midway in the train which



kept the air released. So we closed the angle cock on the train line and backed the train about a mile to the remainder of the train. We then made an air test on the entire train.

If we had all got on the head-end of our train, we wouldn't have known that the way car and 4 other cars were not attached to the rear of our train...."

With Remote Control Engines operating in the middle of the train, their additional air pumps cause quick air brake release on the rear of the train.

On August 8, 1983, St. Louis Southwestern Railway Lines Superintendent J. E. Hare issued General Order No. 181, regarding Air Brake Rule 61.A.4. The last sentence in his first paragraph is, and I quote, "Communications with trainmen at the rear is essential to safety."

Kansas City Southern Superintendent H. F. Bailey wrote a letter to Conductor H. J. Fiechtl and Brakeman S. H. Dollar on February 22, 1982, as follows:

"Gentlemen:

I would like to commend each of you on your actions and handling while you were crew members on Extra 632 South No. 81's connection, February 19, 1982.

Your keen observation of cars derailed in your

train and getting stopped most certainly saved our Company a great expense.

I appreciate each of you and your compliance of Operating Rule 111. This type of on-job-responsibility will insure our jobs and the future of this Company."

This series of documented cases clearly testifies to the fact that trainmen on cabooses are needed. The carriers' demands for removal of cabooses are based on an alleged astronomical dollar savings. Some of the supporters would have you believe that the alleged savings would be reflected in lower rates for shippers. Check the record.

In 1963, Congress passed legislation to provide for the removal of firemen on diesel locomotives. The carriers sponsored that legislation because of their failure to solve the problem by collective bargaining. John Kennedy signed P.L. 88-108 into law. Wholesale removal of firemen resulted. The carriers realized the millions of dollars in savings they claimed would result from that action. The shippers did not realize any reduction in rates.

In the 1970's, the carriers started reduction in crew consists which was agreed to by collective bargaining. (I

might add without compulsory arbitration.) These reductions have occurred and continue to occur across the nation. The shippers have not realized any reduction in rates.

In a 1983 pamphlet, put out by the Association of American Railroads, entitled "WHY LEGISLATION TO REQUIRE AN OCCUPIED CABOOSE ON ALL FREIGHT TRAINS SHOULD BE REJECTED" (hereinafter referred to as "AAR Reject Pamphlet"), page 2, it says, "The clear purpose of this [occupied caboose] legislation is to avoid the commitments in the national agreement and to create a statutory obligation for the railroad to maintain what may be unnecessary employees in order to "occupy" that statutorily required caboose. As such, its intent and effect is to invade by the legislative fiat, the area of free collective bargaining with respect to the location duties and size of train crews."

THIS IS NOT TRUE. Crew size on trains is controlled by the railroad-by-railroad crew consist agreements. Actually, such position flies in the face of what has and is transpiring on Kansas Railroads relative to crew consist. The following crew consist agreements are in effect.

The crew consist agreement between The Kansas City Southern Railway Company - Louisiana & Arkansas Railway Company

and the UNITED TRANSPORTATION UNION, signed October 26, 1983, states:

IT IS AGREED:

The consist of all road freight and yard crews, except as otherwise provided in this agreement, shall be not less than a conductor (foreman) and two brakemen (helpers).

The United Transportation Union's General Committee of Adjustment for Union Pacific Railroad (Eastern Division) and St. Joseph Terminal Railroad has a current crew consist agreement which reads:

"Rule 11. Consist of Crew. A crew in all yards shall consist of not less than one foreman [conductor] and two helpers. A portion of the crew shall not be required to perform other service necessitating the remaining members to work short-handed."

Additional agreements between the Union Pacific Railroad and the United Transportation Union are being finalized.

The crew consist agreement between the Atchison, Topeka and Santa Fe Railway Company and the United Transportation Union's Conductors, Trainmen and Yardmen states:

IT IS AGREED:

The consist of all road freight and yard crews, except as otherwise provided in this agreement, shall be not less than a conductor (foreman) and two brakemen (helpers).

The Crew Consist Agreement between the Missouri Pacific Railroad Company - The Alton & Southern Railway Company and the UNITED TRANSPORTATION UNION's Trainmen, Conductors and Yardmen reads the same.

There is absolutely no way the absence of a caboose would reduce or have any effect on crew size!!

On page six of the AAR Reject Pamphlet, the last sentence of the first paragraph says, "Productivity of the train crew is a crucial concern, and operating trains with unnecessary crew members is inconsistent with cost conscious railroading." This is not at issue; trains will still have the same number of operating employees!

I fully expect opponents of H.B. 2706 to make reference to a December 1980 study by the Interstate Commerce Commission which states, in part:

"\*\*\*caboose can generally be eliminated without impairing the productivity of train operations (either on the road or in the yard), without jeopardizing the safety of the public exposed to moving trains, and without impairing the health and safety of railroad employees...."

This study was done in connection with the traumatic bankruptcies of the Rock Island and Milwaukee Railroads. H.B. 2706 opponents continue to say that Legislation "such as

this, which would statutorily preclude or impair the railroads effectively utilizing modern technology and elimination of obsolete equipment and practices should clearly be recognized as improvident and contrary to the interests of the State."

We let it be known, insist that it be known, that our position in this matter is: Cabooses were not a contributing factor to either bankruptcy. Poor and piratical management caused both railroads to fail. And further, if, in fact, the ICC report is valid and a determination by the ICC has been made which says cabooses are an "undue burden on interstate commerce", then the ICC can and will rule that cabooses be eliminated. No such determination has been made by the ICC!!

The opponents of this bill will tell you further that electronic devices will replace the caboose and its trainmen. The sophisticated equipment is supposed to tell of hot boxes, dragging equipment, where the car is located in the train, air brake pressure, etc. However, conductors riding the cabooses have found the computer is fraught with errors. As one example, most railroad cars have two sets of trucks with four wheels each. The computer is programmed to count and locate cars, hot boxes, etc. on

that basis. The problem arises when a train has a car with six-wheel trucks, and many do, thereafter all computer information is false. I have documented instances of such occurrences (Dean Moseley's letter and consist [WAYSIDE DETECTORS]).

On September 10, 1983, AT&SF Conductor Terry Coffelt from Emporia, wrote of this incident:

"Had a [box](read out panel) on head end 863 G-1, 9/10/83, that was suppose[ed] to indicate train line pressure from another [box](read out panel) coupled to rear air hose on way car. When air test was made by carman at Wellington, the gauge on the way car showed slightly over 80 lbs. but the readout on the engine showed 70 lbs. The read out indicated 70 lbs. before, during and after the 20 lb. reduction was made for our air test."

The issue before you is one of safety! The opposition will give you a figure of \$400 million to be saved by abolishing the railroad cabooses. They'll allege a 92¢ per mile caboose operating cost. They will claim the caboose is not a factor in safe train operation and will claim further that this matter is one to be resolved by negotiated agreement, not by legislation. It further appears that railroad management is opposed to legislation affecting railroad operation unless they introduce it. There are two very erroneous assumptions being made. Number one is that the

alleged amount of money saved will amount to the figure claimed, and, number two is that you can and must put a price on public and employee safety.

It appears that if it were left up to the carriers, safety would not be a consideration as to how the railroads are run. It took Acts of Congress, in the form of the Safety Appliance Acts (which comprise three different Acts - Act of March 2, 1893; Act of March 2, 1903; and Act of April 14, 1910), to get certain safety devices. By the Safety Appliance Acts, railroad cars whether used for freight, passengers, or employees must be equipped with certain safety devices such as:

1. Power driving-wheel brakes and appliances for operating a train brake system (Section 1);
2. automatic couplers of a standard height (section 2);
3. grab irons or handholds for security in coupling and uncoupling cars (Section 4);
4. drawbars of a standard height (Section 5); and
5. secure sill steps and efficient hand brakes, secure ladders, and running boards (Section 11).

In 1943, in Terminal Railroad Association of St. Louis v. Brotherhood of Railroad Trainmen, 318 U.S. 1, 63S Ct. 420, 87 L. Ed. 571 (1943), the Illinois Commerce Commission ordered, inter alia, that the railroad provide caboose cars for employees. In sustaining the order of the State



Commission, the United States Supreme Court said:

"Appellant claims that there had been Congressional occupation of the field by virtue of the Boiler Inspection Act, the Safety Appliance Act, and the Interstate Commerce Act. It is not contended, nor do we understand, that these statutes, by themselves and unimplemented by any action of the Interstate Commerce Commission, lay down any requirements that cabooses shall or shall not be used on any of the runs in question. Nor is it contended that the Interstate Commerce Commission itself had sought to make any such requirement."

In the interim, it is in the best interest of the State of Kansas that we protect our own commerce and industry and our own citizenry by requiring that trains operating in the state, in most instances, have an occupied caboose.

It is a matter of public safety!

And, we ask, if cabooses are not necessary, why hasn't the Federal Railroad Administration, acting under the guidelines of the Federal Railroad Safety Act of 1970, promulgated rules and regulations directing the discontinued use of cabooses on trains? We read this as meaning the Federal Railroad Administration has remained neutral and by its neutrality concedes cabooses are a necessary part of railroad safety.

In fact, on December 16, 1959, the Kansas Corporation Commission handed down a Decision and Order on Docket No. 59,570-R, "In the matter of suggested cabooses order affecting public safety as pertains to operating railroads in the State of Kansas. Section 5, states, in part,

"...Jurisdiction of the Commission in this matter is based upon Chapter 66, Public Utilities, G.S. of Kansas 1949 [and still stand in the Kansas Statutes Annotated], wherein statutes 141, 156, 157, 219, 220, 222 and 275 furnish ample authority for the Commission to prescribe reasonable measures and standards in order to promote the security, convenience and safety of the public."

Also comes the fact that Kansas has the third highest rail miles operated by Class I railroads in the United States with 7,201. Texas has 13,050 and Illinois 10,143. It behooves us, in the State of Kansas, to be leaders in the field of railroad safety.

Crew personnel riding in a caboose observe on their train and passing trains such dangerous conditions as: shifted loads, hot journals, brakes sticking, wheels sliding, dragging equipment, insecure lading, defective track, swinging car doors, mid-train and vehicles impacts, hot box detectors. The caboose has a standard place for marker signals; has a place for record-keeping; provides a place where crew

members can properly exchange safety signals; provides a place where crew members are protected from the elements and have sanitary drinking water and toilet facilities; provides a communications center on an operating train and provides an air brake gauge and emergency brake control. Crew personnel riding in a caboose can reduce train delays by making minor repairs, and working from the rear end forward, open street and road crossings for vehicular traffic. They also maintain a set of tools such as pipe wrenches, journal oil and packing, air hoses and gaskets, knuckle, hammer, pry bar and spikes, etc.

The purpose of the occupied caboose on operating trains is not to give two to three people a job. They now have and will have their jobs whether or not a caboose is a part of the train. The purpose of the occupied caboose is to maintain railroading as a safe operation - that level of safety which must be maintained in the state of Kansas by the passage of H.B. 2706.

There is one additional erroneous position being taken by the opponents of H.B. 2706. That position is: Legislation should not be passed to insure public safety, it should be left to employee-employer negotiations.

This Legislature has the right and responsibility to ensure the safety of the public.

I will close my statement with a quote from the State's highest transportation regulatory body.

On December 16, 1959, in answer to the railroad's position that the need for cabooses electric marker lights should be a matter for employee-employer negotiations, the State Corporation Commission stated as follows:

"(a) The Commission finds that the first objection of the respondents as to this being simply an employee-employer relationship and therefore subject only to negotiation and not Commission regulation, is without merit whatsoever. It would certainly be a dark day for the members of the public if their safety, while using common carrier modes of transportation within the State, were left entirely to the negotiations between employers and employees of the common carriers."

For these many reasons we ask your support and request that you report H.B. 2706 favorable for passage.

I will attempt to answer any questions.

761.390 [1975 c.132 §4; repealed by 1977 c.685 §8]

**761.395 Visual external inspections required on cars standing in rail yards or stations more than two hours.** Each railcar containing hazardous materials for which an "Explosives A," "Flammable Gas" or "Poison Gas" placard is required by federal regulation, and which remains in a rail yard or station for more than two hours shall be visually inspected externally by the transporting railroad within two hours of the car's arrival and within two hours prior to the car's departure. [1977 c.685 §6; 1979 c.244 §1]

**761.400 Commissioner to designate hazardous materials and notice requirements.** After consultation with the State Fire Marshal the commissioner shall determine:

(1) What material and quantity thereof the transportation of which is hazardous to public health, safety or welfare and shall designate by rule such materials and quantities as hazardous materials. In defining hazardous materials the commissioner shall, so far as practicable, adopt definitions in conformity with the federal rules and regulations.

(2) What notification required by ORS 761.380 (1) is necessary to provide for the safe transportation of hazardous materials, including but not limited to the time, content and manner of notification. [1975 c.132 §5; 1977 c.685 §3]

**761.405 Notifying Emergency Management Division of reportable incident, derailments and fires; trains required to be equipped with radio gear.** (1) Each railroad that gives notice to the United States Department of Transportation of an incident that occurs during the course of transporting hazardous materials as defined by federal regulations shall also give notice of the incident to the Administrator of the Emergency Management Division of the Executive Department.

(2) As soon as reasonably practicable, each railroad shall notify the Administrator of the Emergency Management Division of the Executive Department by telephone or similar means of communication of any derailment or fire involving or affecting hazardous material.

(3) To facilitate expedited and accurate notice to the administrator under this section, each train transporting hazardous materials in this state shall be equipped with at least two radio transmitter-receivers in good working order. In addition, 18 months after Octo-

ber 4, 1977, trains over 2,000 feet in length that are transporting hazardous materials shall be equipped with a radio handset in good working order capable of communicating with the radio transmitter-receivers. If the equipment required under this section does not function while the train is en route, the train may proceed to the next point of crew change where the equipment shall be replaced or repaired. [1977 c.685 §5]

761.410 [Repealed by 1971 c.655 §250]

**761.415 Commissioner to set standards for safe transportation of hazardous wastes; civil penalty.** (1) The commissioner shall adopt rules setting standards for the safe transportation of hazardous wastes, as defined in ORS 459.410, by all railroads.

(2) The authority granted under this section:

(a) Is in addition to any other authority granted the commissioner.

(b) Does not supersede the authority of the Energy Facility Siting Council to regulate the transportation of radioactive materials under ORS 469.530.

(3) In addition to any other penalty for violation of a rule adopted under this section, the commissioner, after hearing, may impose a civil penalty of not more than \$10,000 for violation of a rule adopted under this section. Each day of noncompliance with a rule is a separate violation. [1981 c.680 §6]

761.420 [Repealed by 1965 c.253 §153]

761.430 [Repealed by 1971 c.655 §250]

761.510 [Repealed by 1961 c.726 §427]

761.520 [Repealed by 1961 c.726 §427]

761.530 [Repealed by 1961 c.726 §427]

## CABOOSE REQUIREMENTS

**761.600 Definitions for ORS 761.600 to 761.640.** As used in ORS 761.605 to 761.640 and 761.992:

(1) "Caboose" means any car or coach used on a train to carry a train crew.

(2) "Marker" means any lamp providing illumination by electrical power which is designed to be displayed on a railroad car or coach for safety purposes.

(3) "Terminal" means a system of tracks, the boundaries of which are set by a railroad for the purpose of coupling or uncoupling cars. [1979 c.791 §2]

**761.605 Application of requirements.** The provisions of ORS 761.605 to 761.640 and 761.992 shall apply to all cabooses except those used in terminal service or in road service for a distance not to exceed three miles, and shall not apply to logging railways. [1979 c.791 §3]

**761.610 Caboose required to be rear train car; exceptions.** (1) Except as provided in subsection (2) of this section and ORS 761.615, whenever a class I railroad operates a freight train in this state, the rear car of the freight train shall be an occupied caboose.

(2) A defective freight car that cannot be entrained except behind the caboose may be the rear car from the point at which it is entrained other than a terminal to the first terminal where repairs can be made. [1979 c.791 §4]

**761.615 Exemption from ORS 761.610.** The commissioner may grant exemptions from the requirements of ORS 761.610 (1) for certain railroad freight train operations upon application by a railroad and upon finding that the operations proposed for exemption will not adversely affect the public or railroad employe safety. Prior to granting any exemption pursuant to this section, the commissioner shall take into consideration the need to maintain and monitor adequate air pressure in the train's braking system, the need to monitor the operation of the train while it is en route, the need for adequate, safe and sanitary facilities for all crew members on the train and the need for adequate rear-end protection of the train, including rear-end illumination in compliance with federal and state regulations. In granting an exemption pursuant to this section, the commissioner shall specify the conditions under which the exemption is granted. [1979 c.791 §8a]

**761.620 Electric markers; fire extinguishers.** (1) All cabooses shall be equipped with electric markers capable of illumination of not less than 100 nor more than 1,000 candela.

(2) All cabooses shall be equipped with fire extinguishers meeting the following requirements:

(a) Each caboose shall have at least one portable fire extinguisher.

(b) Fire extinguishers may be of a foam, dry chemical or carbon dioxide type.

(c) The fire extinguishers in each caboose shall provide a minimum capacity of one and one-quarter gallons or five pounds. More than one fire extinguisher may be used to comply with the minimum capacity requirement under this paragraph.

(d) Fire extinguishers shall be placed in readily accessible locations.

(e) Fire extinguishers shall be maintained in working order. [1979 c.791 §5; 1981 c.138 §1]

**761.625 Exemption from ORS 761.620.** A railroad may apply for a temporary exemption from the provisions of ORS 761.620. The commissioner will consider the application of the railroad for a temporary exemption when accompanied by a full statement of the conditions existing and the reasons for the exemption. Any exemption so granted will be limited to a stated period of time. [1979 c.791 §8]

**761.630 Use of noncomplying caboose prohibited; equipment failure; repair.** A caboose shall not be placed in service unless it is in compliance with all of the provisions of ORS 761.605 to 761.640 and 761.992 relating to required equipment and standards of maintenance. In the event a failure of required equipment or standards of maintenance occurs after a caboose has departed from a terminal and a member of the train crew has boarded the caboose, the railroad operating the caboose shall not be deemed to be in violation of ORS 761.605 to 761.640 and 761.992 if such failure of equipment or standard of maintenance is corrected at the first point at which maintenance supplies are available or, in the case of repairs, the first point at which repair facilities are available and repairs can reasonably be made or the defective equipment replaced. [1979 c.791 §6]

**761.635 Register for reporting failures of equipment or maintenance standards; rules for use.** A register for the reporting of failures of required equipment or standards of maintenance shall be maintained on all cabooses. The register shall contain sufficient space to record the dates and particulars of each failure. The commissioner shall provide rules for the use of this register, including a requirement that the record of reported failures be maintained not less than 80 days from the date of the most recent failure. [1979 c.791 §7]

**761.640 Administrative authority of commissioner; rules.** The commissioner shall regulate and enforce all sections of ORS

761.605 to promulgate ment of OR [1979 c.791 §9]

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C. The requirement of safe transportation as set out hereinabove shall include, but not be limited to, the construction and maintenance of motor vehicles so as:

1. To provide an enclosure providing full cover from the elements for all railroad employees being so transported. Such enclosure shall be heated.

2. To provide within said enclosure fixed seats with backs for all railroad employees being so transported.

3. To provide a means to effectively communicate to the driver of the motor vehicle the emergency needs of the railroad employees being so transported.

D. The provisions of this section shall not apply to any motor vehicle when an emergency arises and such vehicle must be used to meet such an emergency.

E. The failure of any railroad company to correct any violation of this section within seven days from receipt of written notice thereof shall subject said company to the penalty provided by § 56-449; provided, however, any unsafe vehicle shall be removed immediately from service until repaired. (1977, c. 628.)

Effective date. — This section is effective Jan. 1, 1981.

§ 56-420. Caboose cars compulsory; dimensions and lights. — No person or corporation operating a standard gauge railroad as a common carrier in this State shall run or permit to be run over its tracks, outside of yard limits or in transfer service, a train of one or more cars, other than a passenger train, without having attached thereto a caboose car, excepting light engines and cases of emergency occurring on the road which will not permit of a compliance herewith.

Such caboose car shall not be less than twenty-one feet in length, exclusive of platforms at each end, which shall not be less than two feet in width and shall be constructed with a door in each end and with six windows in the body of the car, and shall be equipped with two four-wheel trucks and an emergency brake valve in the body of the car within reach of the cupola, if so equipped, and shall have a cupola with eight windows, or shall have bay windows, and shall be of a constructive strength of a sixty thousand pound capacity freight car, except where pusher engines are used when it shall be of a resistance strength equal to that of a hundred thousand pound capacity freight car. (Code 1919, § 4012; 1974, c. 167.)

§ 56-421. Repairs to caboose cars. — Whenever any caboose car now in use upon any such railroad in this State shall hereafter be brought into the shops of any such railroad for general repairs, it shall be unlawful again to put the same into the service of such railroad, within this State, unless it be equipped as provided in the preceding section (§ 56-420). (Code 1919, § 4013.)

§ 56-422. Number of caboose cars to be equipped each year. — Every person or corporation operating a standard gauge railroad as a common carrier in this State shall each year after July first, nineteen hundred and fourteen, equip for service as provided by § 56-420 at least ten percent of the number of caboose cars in use on its road in this State on the date aforesaid. But the State Corporation Commission may, for good cause shown, grant a reasonable extension of the time for compliance with this section. (Code 1919, § 4014.)

§ 56-423. Penalty for violating three preceding sections. — Any person or corporation violating any of the provisions of the three preceding sections (§§ 56-420 to 56-422) shall be fined one hundred dollars for each offense. (Code 1919, § 4015.)

§ 56-424. Venue of prosecutions. — Prosecutions for violations of §§ 56-420 to 56-422 may be in any court of competent jurisdiction in any county or city through which a train may have been run when not properly equipped. (Code 1919, § 4016.)

§ 56-425. Railroads not within provisions of five preceding sections. — The five preceding sections (§§ 56-420 to 56-424) shall not apply to any standard gauge railroad operated as a common carrier which has neither of its terminals within this State, or which is not more than thirty miles in length. (Code 1919, § 4017.)

ARTICLE 8.

*Rights-of-Way; Fires; Fences; Cattle Guards, etc.*

§ 56-426. Manner in which right-of-way shall be kept. — Every railroad company shall keep its right-of-way clear and free from weeds, grass, and decayed timber, which from their nature and condition are combustible material, liable to take and communicate fire from passing trains to abutting or adjacent property. (Code 1919, § 3991; 1926, p. 857.)

**Constitutionality.** — This section reasonably informs railroad companies what must be done or avoided thereunder, and that is all that is demanded by the constitutional requirement of statutory certainty. *Southern Ry. v. Commonwealth*, 205 Va. 114, 135 S.E.2d 160 (1964).

The defendant railway contended that this section is vague in that it fails to state how the right-of-way shall be cleared, when it is to be cleared, what is to be cleared from it, what is combustible material, and how much of the right-of-way is to be cleared. But the legislature is not required to specify the precise method by which such a task is to be done, and, as to the other factors alleged to be vague, the obvious purpose of the statute provides an adequate standard by which the railway may determine what is required of it. *Southern Ry. v. Commonwealth*, 205 Va. 114, 135 S.E.2d 160 (1964).

**Purpose of section.** — This section was obviously designed to lessen the danger of communicating fires set out by passing trains from the railroad right-of-way to adjacent property. *Peck Iron & Metal Co. v. Seaboard Air Line R.R.*, 200 Va. 698, 107 S.E.2d 421 (1959).

The purpose of this section is to remove the danger occasioned by fires set out by passing trains and communicated to abutting or adjacent property. *Southern Ry. v. Commonwealth*, 205 Va. 114, 135 S.E.2d 160 (1964).

This section is but the legislative establishment of a criminal offense from a common-law rule of civil liability. *Southern Ry. v. Commonwealth*, 205 Va. 114, 135 S.E.2d 160 (1964).

"Timber" means trees, without any reference to the uses to which they may be put.

*Southern Ry. v. Commonwealth*, 205 Va. 114, 135 S.E.2d 160 (1964).

**"Decayed".** — A tree is decayed, for the purposes of this section, when it has become "combustible material, liable to take and communicate fire from passing trains to abutting or adjacent property." *Southern Ry. v. Commonwealth*, 205 Va. 114, 135 S.E.2d 160 (1964).

**"Weeds".** — A weed is an economically useless plant, a plant of unsightly appearance; especially one of wild or rank growth. *Southern Ry. v. Commonwealth*, 205 Va. 114, 135 S.E.2d 160 (1964).

**"Combustible material".** — The words "combustible material," taken in their ordinary sense and in the context in which they are used in this section, mean weeds, grass and decayed timber that are so dry that they are likely to be ignited by a passing train and, in burning, communicate fire to adjacent property. *Southern Ry. v. Commonwealth*, 205 Va. 114, 135 S.E.2d 160 (1964).

**Time of clearing right-of-way.** — This section does not say when the right-of-way is to be cleared, in terms of a specific date or of a specific period. But the statute does, with reasonable certainty, inform the railway when it must act, and that is all that is necessary. *Southern Ry. v. Commonwealth*, 205 Va. 114, 135 S.E.2d 160 (1964).

The danger from which this section provides protection is the likelihood that fires will be communicated from passing trains via combustible material on the right-of-way to adjacent property. The time for the railway to act to avert this likelihood is when the weeds, grass and decayed timber on the right-of-way, which are the means of such communication, become so combustible as to be dangerous to the adja-

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be issued by other employees than agents shall be required to have said bills of lading issued by the station agent at the nearest station where a station agent is regularly maintained in the direction toward which the shipment is destined. The conductor of the train which receives the shipment at its point of origin shall deliver to the agent at the nearest station at which an agent is maintained through which said shipment moves, immediately upon the arrival of the train carrying said shipment at said agency station, all data necessary for the issuance of a bill of lading for said shipment. The agent shall immediately issue said bill of lading and shall deliver the same to the shipper or his agent or shall, within 24 hours after the receipt of said data from the conductor, for shipment of 20,000 pounds or over, deposit the bill of lading in a United States post office, addressed and registered to the consignor of said shipment or his agent or attorney to his proper post-office address, shipments of less than 20,000 pounds to be mailed without registering.

(2) Any railway company operating in Montana violating any provisions of this section shall be guilty of a misdemeanor and liable to a fine of not less than \$50 or more than \$1,000.

History: (1)En. Sec. 1, Ch. 24, L. 1917; re-en. Sec. 6611, R.C.M. 1921; re-en. Sec. 6611, R.C.M. 1935; Sec. 72-654, R.C.M. 1947; (2)En. Sec. 2, Ch. 24, L. 1917; re-en. Sec. 6612, R.C.M. 1921; re-en. Sec. 6612, R.C.M. 1935; Sec. 72-655, R.C.M. 1947; R.C.M. 1947, 72-654, 72-655.

69-14-216. Restriction on contractual time limitations for notification of injury to transported livestock. Any provision, stipulation, or condition in any shipping contract, bill of lading, or other agreement made or entered into by or between any common carrier and the owner or shipper of any shipment of livestock providing that written or verbal notice of loss, injury, or damage thereto or of claim therefor shall be made or given to any common carrier, to any agent or officer of any common carrier, or to any other person within any period less than 4 months from the date of the occurrence of any such loss, injury, or damage shall be void and of no effect.

History: En. Sec. 1, Ch. 138, L. 1909; re-en. Sec. 6550, R.C.M. 1921; re-en. Sec. 6550, R.C.M. 1935; R.C.M. 1947, 72-411.

69-14-217 through 69-14-230 reserved.

69-14-231. Brake equipment. The commission shall have the power and authority to examine and inspect all brakes and brake equipment and after notice and hearing to make and enforce reasonable rules with respect to the examination, inspection, and repair thereof, with a view of determining the proper measure of efficiency of said brakes and brake equipment. Such rules shall be from time to time coextensive with the requirements of and in conformity to the provisions of the acts of congress and rules and regulations of the interstate commerce commission and the department of transportation, as then effective.

History: En. Sec. 2, Ch. 136, L. 1909; re-en. Sec. 3828, R.C.M. 1921; re-en. Sec. 3828, R.C.M. 1935; amd. Sec. 3, Ch. 124, L. 1971; amd. Sec. 20, Ch. 315, L. 1974; R.C.M. 1947, 72-151.

X 69-14-232. Size and equipment of caboose. (1) Caboose shall be at least 24 feet in length, exclusive of platforms, and shall be provided with a door in each end and with cupolas or bay windows, platforms, guard rails, grabirons, and steps for the safety of persons in alighting or getting on cabooses. Cabooses shall be of metal frame construction and be sufficiently insulated to eliminate track and other related noise above 85 decibels in any octave in the speech range. Other requirements for cabooses are as follows:

(a) The trucks shall be of the type trucks modified to have equal or greater efficiency than standard steel wheels or 2 1/2 inches and a maximum diameter of 31 inches. Association of American Railroads.

(b) Electric lighting shall be provided for illumination of the caboose.

(c) A spotlight shall be provided to illuminate the caboose during the day.

(d) The caboose shall be provided with illumination when required.

(e) Only glass of safety type shall be used on windows, or wind deflectors.

(f) All seats and cushions shall conform to the United States Department of Labor Safety Standards, and shall be free of protrusions on seats and cushions.

(2) Any person, company, or corporation in this state, violating any provision of this section shall be deemed guilty of a misdemeanor and liable to a fine of not less than \$500 or more than \$1,000.

History: (1)En. Sec. 1, Ch. 32, L. 1917; re-en. Sec. 6577, R.C.M. 1921; re-en. Sec. 6577, R.C.M. 1935; amd. Sec. 1, Ch. 32, L. 1977; Sec. 4339, Rev. Code, 1907; Sec. 4339, Rev. Code, 1907; R.C.M. 1935; Sec. 72-232, R.C.M. 1947.

69-14-233. Failure to provide materials. Failure to provide materials for repair or maintenance shall be deemed a failure if it occurs in repair or maintenance which has commenced to meet the requirements of subsection (2). The requirements of subsection (2) shall apply to 69-14-232 if the failure occurs at the first point maintained by the carrier. The first point materials shall be made.

(2) A register for repair or maintenance shall be maintained containing a record of repairs and materials used. Such register shall be established.

History: En. Sec. 1, Ch. 32, L. 1917; re-en. Sec. 6577, R.C.M. 1921; re-en. Sec. 6577, R.C.M. 1935; amd. Sec. 1, Ch. 32, L. 1977; R.C.M. 1947, 72-233.

69-14-234. Authority to suspend. Authority to suspend in any particular case shall be exercised under 69-14-233 is considered. The authority shall consider the application for exemption when the conditions existing and the requirements are limited to the particular case.

History: En. Sec. 1, Ch. 32, L. 1917; re-en. Sec. 6577, R.C.M. 1921; re-en. Sec. 6577, R.C.M. 1935; amd. Sec. 1, Ch. 32, L. 1977; R.C.M. 1947, 72-234.

(a) The trucks shall provide riding qualities at least equal to those of freight type trucks modified with elliptical or additional coil springs or other means of equal or greater efficiency and shall have at least two four-wheel trucks with standard steel wheels or their equivalent. Draft gears shall have a minimum travel of 2 1/2 inches and a minimum capacity of 18,000 foot-pounds and shall comply with Association of American Railroad Standard M-901 or its equivalent.

(b) Electric lighting of at least 40 foot-candles shall be provided for direct illumination of the caboose desk, reading areas, and lavatory facilities.

(c) A spotlight shall be provided on the rear of the caboose with sufficient candlepower to illuminate the track for a distance of at least 300 feet to the rear of the caboose during the hours of darkness.

(d) The caboose marker or markers shall be either reflectorized or capable of illumination when required.

(e) Only glass of the safety glass type shall be used in partitions, doors, windows, or wind deflectors.

(f) All seats and seat backs shall conform to the safety standards designed by the United States department of transportation in its "Federal Motor Vehicle Safety Standards", Motor Vehicle Safety Standard No. 201. All edges and protrusions on seats and seat backs shall be rounded to prevent injury to employees.

(2) Any person, corporation, or company, operating any railroad or railway in this state, violating any of the provisions of [the preceding section] shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than \$500 or more than \$1,000 for each offense.

History: (1)En. Sec. 1, Ch. 54, L. 1907; Sec. 4338, Rev. C. 1907; re-en. Sec. 6577, R.C.M. 1921; re-en. Sec. 6577, R.C.M. 1935; amd. Sec. 1, Ch. 92, L. 1975; amd. Sec. 1, Ch. 32, L. 1977; Sec. 72-622, R.C.M. 1947; (2)En. Sec. 2, Ch. 54, L. 1907; Sec. 4339, Rev. C. 1907; re-en. Sec. 6578, R.C.M. 1921; re-en. Sec. 6578, R.C.M. 1935; Sec. 72-623, R.C.M. 1947; R.C.M. 1947, 72-622(1), 72-623.

69-14-233. Failure of caboose equipment or maintenance. (1) Where a failure occurs in required equipment or standards of maintenance after a caboose has commenced to move in service, the failure shall be reported in accordance with subsection (2). The railroad operating that caboose is not in violation of this section and 69-14-232 if the failure of equipment or standards of maintenance is corrected at the first point maintenance supplies are available or in the case of repairs, the first point materials and repair facilities are available and repairs can reasonably be made.

(2) A register for the reporting of failures of the required equipment or standards of maintenance shall be maintained on all cabooses, and provisions for maintaining a record of reported failures for not less than the previous 80-day period shall be established.

History: En. Sec. 1, Ch. 54, L. 1907; Sec. 4338, Rev. C. 1907; re-en. Sec. 6577, R.C.M. 1921; re-en. Sec. 6577, R.C.M. 1935; amd. Sec. 1, Ch. 92, L. 1975; amd. Sec. 1, Ch. 32, L. 1977; R.C.M. 1947, 72-622(part).

69-14-234. Authorization for exemption from caboose provisions. If, in any particular case, temporary exemption from any requirements of 69-14-232 and 69-14-233 is considered necessary by a carrier concerned, the commission may consider the application of that carrier for temporary exemption and may grant an exemption when the application is accompanied by a full statement of the conditions existing and the reason for the exemption. Any exemption so granted will be limited to the particular case and will be limited to a stated period of time.

History: En. Sec. 1, Ch. 54, L. 1907; Sec. 4338, Rev. C. 1907; re-en. Sec. 6577, R.C.M. 1921; re-en. Sec. 6577, R.C.M. 1935; amd. Sec. 1, Ch. 92, L. 1975; amd. Sec. 1, Ch. 32, L. 1977; R.C.M. 1947, 72-622(part).

**69-14-235.** Application of caboose provisions. The provisions of 69-14-232 through 69-14-234 apply to all cabooses except those used exclusively in yard service.

**History:** En. Sec. 1, Ch. 54, L. 1907; Sec. 4338, Rev. C. 1907; re-en. Sec. 6577, R.C.M. 1921; re-en. Sec. 6577, R.C.M. 1935; amd. Sec. 1, Ch. 92, L. 1975; amd. Sec. 1, Ch. 32, L. 1977; R.C.M. 1947, 72-622(4).

**69-14-236.** Headlights and speedometers for locomotives. (1) A person, corporation, or company operating a railroad or railway in this state must equip all locomotive engines used in the transportation of trains over the railroad or railway with:

(a) electric headlights of at least 1,500 candlepower, measured without the aid of a reflector; and

(b) a speedometer that is maintained in good working order at all times and that is located in the lead or controlling unit.

(2) A locomotive used exclusively in yard service is not required to be equipped with a speedometer.

(3) If the speedometer fails en route, it will be deemed as being in good working order until it reaches the next terminal where it will be exchanged with an engine with a working speedometer if one is available.

(4) Any person, corporation, or company, operating any railroad or railway in this state, violating the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than \$100 or more than \$1,000 for each offense.

**History:** (1) thru (3)En. Sec. 1, Ch. 18, L. 1909; re-en. Sec. 6609, R.C.M. 1921; re-en. Sec. 6609, R.C.M. 1935; amd. Sec. 1, Ch. 181, L. 1977; Sec. 72-652, R.C.M. 1947; (4)En. Sec. 2, Ch. 18, L. 1909; re-en. Sec. 6610, R.C.M. 1921; re-en. Sec. 6610, R.C.M. 1935; Sec. 72-653, R.C.M. 1947; R.C.M. 1947, 72-652, 72-653.

**69-14-237.** Locomotive engines and electric motors to be marked with identifying numbers. (1) It shall be the duty of every person, corporation, or company operating a railroad or railway in this state to equip all locomotive engines and electric motors used in hauling trains over said railroad or railway with suitable numbers, which numbers shall be displayed at the front and both sides of the headlight on said locomotive engine or electric motor and to be such size as to be easily read from a passing or meeting train.

(2) When a complaint is made to the commission that any person, corporation, or company operating a railroad or railway in this state has failed to comply with the provisions of this section, such commission shall order a hearing and shall serve a notice on such person, corporation, or company at least 15 days before the date set for such hearing. The notice may be served upon any agent of such person, corporation, or company. At the conclusion of such hearing, the commission may make such order in the premises as is deemed necessary and may prescribe the time within which all such locomotive engines shall be equipped with such numbers.

(3) Any person, corporation, or company operating a railroad or railway in this state who violates any of the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than \$50 or more than \$100 for each offense.

**History:** (1)En. Sec. 1, Ch. 145, L. 1918; re-en. Sec. 6620, R.C.M. 1921; re-en. Sec. 6620, R.C.M. 1935; Sec. 72-663, R.C.M. 1947; (2)En. Sec. 2, Ch. 145, L. 1919; re-en. Sec. 6621, R.C.M. 1921; re-en. Sec. 6621, R.C.M. 1935; amd. Sec. 20, Ch. 315, L. 1974; Sec. 72-664, R.C.M. 1947; (3)En. Sec. 3, Ch. 145, L. 1919; re-en. Sec. 6622, R.C.M. 1921; re-en. Sec. 6622, R.C.M. 1935; Sec. 72-665, R.C.M. 1947; R.C.M. 1947, 72-663, 72-664, 72-665.

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(3) the number of cubic feet of natural gas, barrels of petroleum or other crude or mineral oil sold from the well during the period covered by the statement;

(4) the gross sales proceeds in dollars and cents or, in the case of sales between parties not acting at arm's length, the greater of the gross sales proceeds from or the fair market value of the products sold;

(5) actual cost of extracting product from well;

(6) cost of construction, repairs, and betterments;

(7) actual cost of fire insurance and workers' compensation insurance;

(8) the amount paid or withheld in satisfaction of liability for excise taxes imposed by the U.S. government on the production, sale, or removal of the natural gas, petroleum, or other crude or mineral oil reported pursuant to subsection (3), including a separate statement of the amount of such taxes paid or withheld from each royalty owner."

Section 4. **Effective date — applicability date.** This act is effective on passage and approval and is applicable to reports or returns filed after December 31, 1982.

Approved April 21, 1983.

## CHAPTER NO. 607

AN ACT REQUIRING THAT THE LAST CAR OF ANY FREIGHT TRAIN OPERATING WITHIN THE STATE BE AN OCCUPIED CABOOSE; AMENDING SECTION 69-14-232, MCA.

*Be it enacted by the Legislature of the State of Montana:*

Section 1. Section 69-14-232, MCA, is amended to read:

**"69-14-232. Caboose required to be rear train car — size and equipment of caboose.** (1) *Every railroad must place, as the last car on any freight train required by federal railroad administration rules to have its air system and cars inspected by qualified inspecting employees at any designated inspection point and between said inspection points and operating within the state, a caboose occupied by at least one employee of the railroad. A caboose is required on all through-freight, local, and work trains. Provided however, a caboose is not required on a train operating within railroad yard or switch limits as presently established, or on a through-freight if not more than 2,000 feet in overall length operating within an automatic block signal system or within centralized traffic control limits.*

(2) Caboose shall be at least 24 feet in length, exclusive of platforms, and shall be provided with a door in each end and with cupolas or bay windows, platforms, guardrails, grabirons, and steps for the safety of persons in alighting or getting on cabooses. Cabooses shall be of metal frame



construction and be sufficiently insulated to eliminate track and other related noise above 85 decibels in any octave in the speech range. Other requirements for cabooses are as follows:

(a) The trucks shall provide riding qualities at least equal to those of freight type trucks modified with elliptical or additional coil springs or other means of equal or greater efficiency and shall have at least two four-wheel trucks with standard steel wheels or their equivalent. Draft gears shall have a minimum travel of 2 ½ inches and a minimum capacity of 18,000 foot-pounds and shall comply with Association of American Railroads Standard M-901 or its equivalent.

(b) Electric lighting of at least 40 foot-candles shall be provided for direct illumination of the caboose desk, reading areas, and lavatory facilities.

(c) A spotlight shall be provided on the rear of the caboose with sufficient candlepower to illuminate the track for a distance of at least 300 feet to the rear of the caboose during the hours of darkness.

(d) The caboose marker or markers shall be either reflectorized or capable of illumination when required.

(e) Only glass of the safety-glass type shall be used in partitions, doors, windows, or wind deflectors.

(f) All seats and seat backs shall conform to the safety standards designated by the United States department of transportation in its "Federal Motor Vehicle Safety Standards", Motor Vehicle Safety Standard No. 201. All edges and protrusions on seats and seat backs shall be rounded to prevent injury to employees.

(3) Any person, corporation, or company, operating any railroad or railway in this state, violating any of the provisions of this section and 69-14-233 is guilty of a misdemeanor and upon conviction thereof shall be fined not less than \$500 or more than \$1,000 for each offense."

Approved April 21, 1983.

## CHAPTER NO. 608

AN ACT TO INCREASE THE CIGARETTE SALES TAX IN ORDER TO FINANCE LONG-RANGE BUILDING BONDS; AMENDING SECTIONS 16-11-111, 16-11-119, AND 17-5-408, MCA; AND PROVIDING AN EFFECTIVE DATE.

*Be it enacted by the Legislature of the State of Montana:*

Section 1. Section 16-11-111, MCA, is amended to read:

"16-11-111. Cigarette sales tax. From and after July 1, 1981, there is hereby levied, imposed, and assessed and there shall be collected and paid to the state of Montana upon cigarettes sold or possessed in this state the following excise tax which shall be paid prior to the time of sale and delivery thereof: 16 cents on each package containing not more than 20 cigarettes and, when packages contain more than 20 cigarettes, then 16 cents on each 20 or fraction of 20 cigarettes contained in such package."

LEGISLATIVE BILL 179

Approved by the Governor April 1, 1983

Introduced by Pappas, 42; Vickers, 38

AN ACT relating to railroads; to define terms; to establish certain requirements for cabooses and trains; and to provide a penalty.  
Be it enacted by the people of the State of Nebraska,

Section 1. As used in this act, unless the context otherwise requires:

- (1) Caboose shall mean any railroad car or coach used on a train to carry a train crew; and
- (2) Terminal shall mean a system of tracks, the boundaries of which are set by a railroad, for the purpose of coupling or uncoupling cars.

Sec. 2. This act shall apply to all cabooses except those used in terminal service, but not exceeding the limits of the terminal by more than two miles.

Sec. 3. (1) Except as provided in subsection (2) of this section, whenever a railroad operates a freight train in this state, except for trains of under one thousand feet, the rear car of the freight train shall be a manned caboose.

(2) A defective freight car that cannot be entrained except behind the caboose may be the rear car from the point at which it is entrained, other than a terminal where repairs can be made, to the first terminal where repairs can be made.

Sec. 4. All cabooses shall be equipped with an operable short wave radio of the same frequency as the short wave radio on the lead locomotive of the train.

Sec. 5. The Public Service Commission shall regulate and enforce this act and shall adopt and promulgate all rules and regulations necessary for enforcement of this act.

Sec. 6. Violation of section 3 or 4 of this act shall be a Class IV misdemeanor.

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SENATOR PAPPAS: Thank you, Senator Schmit, chairman, committee members. I'm Jim Pappas, Senator from the 42nd District. I'm here to present LB 179. Part of my past history, to kind of enlighten you <sup>just</sup> a little bit before we start, my father retired from the railroad, Union Pacific, after 43 years of service. So did my grandfather, which is 91 now. Throughout my life I've lived by the railroad tracks almost constantly. I've crossed them daily. I was a former employee of the Union Pacific Railroad so this bill I'm presenting means a great deal to me. This bill is a public safety bill for the people of Nebraska. LB 179 prescribes standards for cabooses and engines. Except under certain conditions, freight trains operating in the State of Nebraska would be required to have a manned caboose as a rear car and an operable, short-wave radio of the same frequency on the lead locomotive and caboose of those trains. This bill is introduced in the interest of public safety and the Public Service Commission would be given regulatory authority in this area. Rather than go through the bill myself, I passed out, as you got now, an endorsement of the bill from the North Platte Chamber of Commerce plus the Public Service Commission. I would ask, if permissible, to let Ray Lineweber answer technical questions and close for me because of a previous engagement I have to attend. While he isn't what you call a "well-dressed" type person to represent me, but when you deal with the public safety and the public of the State of Nebraska, it's tough to gather money in so you can hire real sharp attorneys or lobbyists to come before and testify either for or against the bill. So with that, if permissible, I'd let Ray Lineweber carry on.

SENATOR SCHMIT: Thank you, Senator Pappas. I think Ray will probably do well.

RAY LINEWEBER: Mr. Chairman, members of the Public Works Committee, my name is Ray Lineweber. I am the Hobraska State Legislative Director for the United Transportation Union. I am here today in support of LB179. LB179, as you all know by now, is a reproduction of last year's caboose bill. This bill, if passed in the Nebraska Legislature and signed by the Governor, would require that a manned caboose be placed on the rear of all freight trains operating in the State of Nebraska. There are provisions in this bill for an operable, short-wave radio of the same frequency to be placed on that caboose and the lead locomotive of the train. There are provisions in this bill that provide for minimum standards and maintenance for cabooses. How important to the public is a manned caboose and proper radio communications? Let us review some of the important duties of the crew member on a caboose. There are grade crossing accidents in this state when a vehicle collides with a train after the engines have passed the crossing. The unfortunate vehicle passengers could be afforded medical assistance by the train crew. The radio could be used to call for emergency assistance. Without a crew that would witness an accident of this nature and provide assistance, injured parties would not be afforded assistance until another train passed or another vehicle arrived at that crossing, which could be hours later. The occupant of the caboose observes much shifted lading on railcars and takes measures to stop the train before utility lines, poles, and railroad signal equipment are knocked down, saving thousands

of dollars of damage annually. These crew members can detect irregularities on cars in the train, failed journals, broken wheels, sticking brakes are all detected daily; and measures to correct these problems are taken by this same crew. With the nation's railroads handling some 70% of the nation's hazardous materials annually, it is important that the operation of trains is under constant, human surveillance. Even with most of the cabooses being occupied in this state at the current time, there were 127 derailments reported in 1981 resulting in millions of dollars of damage to railroad track, equipment, and private properties. The statement of accidents isn't available as yet for 1982. The FRA does not require railroads to report accidents unless the damage exceeds \$4,500. Therefore, the number of major derailments prevented by crew members is not available. They could take measures to stop the train before damage of significant amounts can occur. As I stated earlier, this happens somewhere in this state daily. The occupant of the caboose can report fires that are started by sparks from the engines or from sticking brake shoes. The report on file with the State Fire Marshall's Office indicates that the railroad right-of-way fires reported in Nebraska in 1982 amounted to nearly \$1,000,000 in property damage to adjoining farms and ranches. These were only the ones that were reported. How many of these fires, I may ask, could have been extinguished before they raced out of control had the occupant of the caboose been afforded radio communications? Let us take a look at the importance of an operable, short-wave radio. Numerous trains in this state often have no radio communications. However, a Union Pacific

crew was fortunate enough to have radio communications on Monday night when they reported the blaze at Glenville that destroyed two businesses; but firemen, upon being notified, were able to save the town's bank. When I was working as a conductor on the Burlington Northern, we operated a train from Lincoln to Columbus, Nebraska, on a Monday switching local elevators enroute. After staying overnight in Columbus on Monday night, we departed on our return trip to Lincoln on a Tuesday. After we had departed Columbus, the elevator operator at Bellwood, Nebraska, which is someplace near Senator Schmit's home, called the Burlington Northern agent to inform him that the Bellwood Co-op had loads of grain loaded and ready for shipment. Due to the fact that we had no radio communications on the engine or caboose of our train, the agent had no way of notifying our crew that there were cars to be picked up at Bellwood. Therefore, we did not stop at Bellwood. And those loaded cars of grain remained at the elevator until Friday of that week, some four days later, until another crew stopped their train on the return trip from Columbus to pick them up. Now who do you suppose paid the demurrage on those cars? I am betting that it wasn't the Burlington Northern Railroad. That grain could have been delivered in that time; but it was not, simply because the Burlington Northern Railroad contends that the cost of maintaining radio communications is prohibitive. Can you imagine the amount of grain and other business that is delayed in this state due mainly to the railroad's inability to recognize the necessitation of advanced technology and radios. When they have a V.I.P. ride through Nebraska, they always find operable



radios. Shouldn't the general public be afforded that same courtesy, especially when it involves lives and property? Numerous railroad crossings in Nebraska are blocked for lengthy periods because of improper communications. With numerous trains being more than a mile in length and sidings for the meeting of trains being near most communities, the communities are often subject to blocked crossings at peak traffic hours, and more importantly when children are going to and from school. Can you imagine the child late for school and a train is blocking his or her path; and not wanting to be late and due to the fact that the train is stopped, they think, well, we'll just crawl under. And just as the child gets under the train, the train begins to move. I do not have to explain to you the carnage that could result. The railroads in this state have installed some failed equipment detectors that detect hot wheels, dragging equipment and failed bearings on cars. However, there are not a sufficient amount of these detectors to cover the nearly 5,000 miles of single railroad trackage in this state, not to mention the amount of trackage that serves as sidings and auxiliary tracks. We have had trains pass failed equipment detectors and receive a signal that would indicate that there is nothing wrong with the train only to have a crew member spot an irregularity in the same train minutes later. Should a train become disabled enroute, the crew members must provide flag protection for following and opposing trains. Should the railroads decide to remove the cabooses, all they need do is issue an order to the train crews relieving the crew members of that flagging responsibility. Can you imagine a disabled train being overtaken

by another train at 50 MPH with no prior warning that the other train is stalled? It would be a possibility and not a remote one at that. The railroads can instruct crew members to make reverse movements over public crossings without any protection for the public, only the magic voice that instructs the crew to do so bearing that responsibility. Our concern here is not only for the general public and the 418 cities and towns that have railroad trackage through their communities, but for the safety of our members as well. I do not have to go into details about some of the lower echelon railroad officers not carrying what risks there is on life. The magic mind of power lures some of them to issue instructions that endanger society and the railroad properties as well. There are some agreements with railroads in this state that provide for requirements for cabooses, but they are violated by the carriers often with no penalty. So as technology has become a more important part of our lives, so has the accompanying risk. Certain risks are acceptable and others are unacceptable. In some cases where arbitration does not reduce the risks significantly to satisfy the needs and desires of the public, government must intervene. the excessive vegetation overgrowth along railroad right of ways, the increased tonnage of freight trains, the increased length of freight trains, the increased deferred maintenance by the railroads, the alarming increase in railroad derailments and the terrain in the state and the fact that there are not computers on the railroad trains as was stated last year to monitor these circumstances calls for government intervention. The aforementioned factual evidence as supplied here today

qualifies the general public for an insurance policy with continual coverage in this fine state. A manned caboose and proper radio communications on freight trains in this state are suitable supplements for that policy. We recommend a yes vote on LB 179. I thank you for this opportunity to appear before you today and I'll attempt to answer any questions at this time.

SENATOR SCHMIT: Questions by the committee members? Any questions?

If not, thank you Ray. Who else would testify in support of  
(sic)  
LB 319? Would you come forward please.

PAT REFSCHNIEDER: Mr. Chairman and members of the committee, my name is Pat Refschneider, I am here today in support of LB 179. I would like to relate to you the importance of the occupied caboose involving my son. He was involved in a crossing accident with many similarities to Mr. Lineweber's testimony. His vehicle struck a Burlington Northern train about a half a mile beyond the engine. The crew on the caboose spotted the vehicle along the right a way in a ditch. They stopped the train and provided assistance to him. Had the train been without a caboose I'm sure that he would have remained unconscious at the location for many hours. Therefore with the personal experience of this, that I can relate to you, the importance of a manned caboose and proper communications on freight trains. I urge you to support LB 179. Thank you.

SENATOR SCHMIT: Any questions? Would you give your name for the record and also sign the sheet please. Who else would testify in support of LB 179? Who else would testify in support of 179? Anyone else to testify in support? Is there someone who will testify in opposition to LB 179?

PHIL KENNY: Members of the Public Works Committee, my name is Philip Kenny Executive Director of the Nebraska Railroad Association here representing the four major railroads, I should say management's position of the four major railroads operating in the state. We are here to oppose LB 179. Though I do not intend to do the testifying today, I did bring some people from the Union Pacific and the Burlington Northern in order to give you a full complete answer to your questions that you may have. Hopefully the proper teams, we have Mr. Mike Baker the director of train operating practices for the Union Pacific and Steve who understands cabooses like the palm of his hand. Someone from our safety departments to show that we are truly concerned with this public safety. I probably should mention here that I really feel that it is important to give you a proper presentation to you on this particular subject though this is the second year for it, the second session. I know that I have been approached by a senator other than . . . a member by this committee, and already the floor is already being worked by the opposition and I have been told by . . . that Mr. Lineweber has evidently passed the word that this bill is greased to come out of this committee and it is hoped that he has put so much grease on there that there might be a derailment in this particular case. I will try to coordinate knowing that you have many bills today. I also want to say that I think Ray Lineweber would have a terrible hard job getting a job in the public relations department for the railroads at this time. However, I will coordinate the speedy transition of having these people testify and would it be all right Mr. Chairman if for instance Mr. Mike Baker, the Director of Train Operating

Practices and Steve Lauver came up together in the event a technical question comes up about a caboose?

SENATOR SCHMIT: Yes. That would be excellent.

MR. KENNY: May I then call Mr. Mike Baker and Steve Lauver they will introduce themselves.

SENATOR SCHMIT: Yes. Are there any questions of Mr. Kennedy while we have him here?

SENATOR LAMB: I have this neighbor up there, I think he had 47 head of cattle that were killed, do you have somebody here that could explain the situation out there?

MR. KENNY: I really don't in that is a district different from this.

SENATOR LAMB: We will take it up later.

MR. KENNY: All right, yes Senator.

SENATOR DeCAMP: It was the herd culling program.

SENATOR SCHMIT: A most untimely accident, wasn't it Phil.

MR. KENNY: Yes, very untimely.

SENATOR SCHMIT: If there are no further questions of Mr. Kennedy.

SENATOR DeCAMP: Just an observation of course. Phil has been around the Legislature as long or longer than just about anybody and he knows that there is no such thing as a "greased bill".

MR. KENNY: I'm just repeating Senator.

SENATOR DeCAMP: They all live and die of course on their merits.

MR. KENNY: I understand that better than anybody in the world. If I thought that, we wouldn't be here.

SENATOR DeCAMP: Right.

SENATOR SCHMIT: Mr. Kennedy is an excellent degreaser anyway.

Thank you Phil. It is a pleasure to have you before the committee. Would the gentlemen come forward please.

MICHAEL M. BAKER: Senators, I am Michael M. Baker, I'm Director of Train Operating Practices for Union Pacific Railroad. This is Steve Lauver from our Mechanical Department who is our resident expert on cabooses. I have some serious concerns regarding LB 179 which I would like to share with you today. All these concerns involve the majority of the bill, there is a particular section that I would like to zero in on and that Section 3, subsection 1 and it reads, "It would require that the rear car of every freight train operating in the State of Nebraska be a manned caboose." I have a very difficult time that that wording is even in this bill and I wanted to find out if the senators were aware that on October 15, 1982 the United Transportation Union and the National Carriers entered into an agreement that provided for the safe and orderly removal of unnecessary cabooses. This agreement was signed by that organization and was ratified by the membership. The agreement was entered into under collective bargaining process as a conscious effort by rail, labor and management to address the changing environment in the railroad industry that mandates adapting to today's modern technology if this industry is going to survive. I feel that you have been misled due to the fact that you have not been told about the fact that this organization entered into this agreement and yet we feel that this bill is trying to be put into your laps as a smoke screen to insure that they will not have to abide by the agreements that were

made by their organization. We have heard some testimony relative to public safety and made it sound like we the railroads are not public safety conscious. I'm here to tell you that that is not true. We are very public safety conscious and the whole caboose affair has been something that has been hashed over for many, many years and I would like to read to you a quote from the Interstate Commerce Commission's Office of Policy and Analysis as it issued its own recommendations under the Title "The Prospects of Reorganization of the Milwaukee Road as a Viable Carrier". In December of 1980 one of the basic elements of these recommendations was that cabooses can generally be eliminated without impairing productivity of train operations either on the road or in the yard without jeopardizing the safety of the public as opposed to moving trains and without impairing the health and safety of railroad employees. Recommendations by the presidential emergency board number 195 established pursuant to the railway labor act in its report to the president dated August 20, 1982, that board recommends that subject to certain specified guidelines in procedures cabooses may be eliminated in each case, in each class of service without undermining safety or operational considerations. Gentlemen, this was part of the negotiating process and after this presidential emergency board recommendations came out over a period of the next two months the United Transportation Union and the national carriers negotiated and again I say for a process for the orderly safe elimination of cabooses on the national railway and safety was in all cases the first consideration. The national agreement

that again was ratified by the membership of the UTU goes through a process and I would like to read you one of the guidelines in that process. The parties to this agreement adopt the recommendations of the emergency board number 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 local properties by the representatives of the carriers and the organizations acquainted with the complexities of individual situations. Now here again last Thursday and a week ago today, last Thursday and Friday, in Salt Lake City, Utah, the United Transportation Union met with the Union Pacific Railroad to start this process on the safe orderly removal of unnecessary cabooses. If the bill before the State of Nebraska were to be passed, then this would definitely have a drastic effect on the process that we are going through across the United States right now to take a look at removing cabooses and again that are not necessary. Modern technology dictates that we have got to adapt to changing policies on the railroad to bring the railroad more in line with the policies. If you go back, if you go back in time there was a very definite need for cabooses on the US railroads and there was a time when a caboose was needed that when the engineer blew the whistle that was a signal for the trainman on the rear of the train to get up and walk across the tops of cars to manually tie handbrakes because the air brake system on the locomotive and cars was not adequate to stop a train without having people manually tie hand brakes. Today's railroad has ABD, ABW control valves versus the old AB

valves. It has 26 hold brake equipment with pressure maintaining features, it has on a lot of railroads it has dynamic braking and this no longer requires trainmen to cross the tops of cars to manually tie handbrakes. The fact is that we have a rule that prohibits trainmen from occupying the roof of any car for safety sake. When we go through the process of setting rates for shippers of products across the United States a factor that plays a major role is the cost of operation. The unions and management recognizing that we had some very outdated, unnecessary rules conceded that there was definitely cases where we could remove cabooses on the US railroads. We are in the process, and I want to emphasize that safely remove is the key word. We are not going to go out and take cabooses off of trains until every safety consideration, be it public safety or employee safety is going to be the first consideration. We are a highly regulated industry. We have through the Department of Transportation, the Federal Railroad Administration, regulates our movements of trains. They are professional people who understand and know what it takes to move a train from point A to point B safely. These people are, if we attempted to run a train without a caboose that would be unsafe, these people would not allow us to do it. But we have no intentions of doing that. Our intentions are to follow the guidelines that the organization signed in their agreement and to work with them for the orderly removal of again, unnecessary cabooses. We have modern technology such as hot box detectors, and dragging equipment detectors and our hot box detectors are sophisticated to the point right now that when the train passes a scanner, a wayside scanner that it reads

the temperature of the journals in the dispatchers office the minute it passes and it tells the dispatcher the exact temperature and if there is any problem with overheating the dispatcher stops that train and tells the crew the exact car and the exact axle of the suspect car. Gentlemen we have heard an awful lot lately of inflation. We are, if you allow this bill in, then there is no doubt that the cost of running cabooses in Nebraska is going to have an adverse effect of shipping in the State of Nebraska. If you want to consider the increased cost in shipping grain, shipping wheat, shipping automobiles, shipping any product that cost will be passed on. I would like to say that I am not a lawyer and I am not a lobbyist and as you can see I am not even a very good speech maker, but I, as a knowledgeable operating railroad officer and a resident of Nebraska, I would plead with you people to not enact legislation that we could be sitting here ten years from now shaking our heads and saying was that legislation we enacted in 1983 the cause for Nebraska losing what was once a very lucrative market share of the market share of the national railway traffic. Thank you. May I answer any questions.

SENATOR SCHMIT: Senator Clark has a question.

SENATOR CLARK: Mr. Lineweber I think just went mostly on radios and it had a caboose, but the bill has a lot more than that in it. . .

MR. BAKER: It certainly does.

SENATOR CLARK: It tells in detail what each one has, and I understood all of the time that that was a bargaining thing what the cabooses have, is that right?

MR. BAKER: I bet your pardon Senator?

SENATOR CLARK: Isn't that a collective bargaining thing?

MR. BAKER: Yes it is. There are parts of that bill that would come under collective bargaining. There are parts of that bill that they are already regulations that have been set up by State of Nebraska and by the federal government. Some of these are duplicates of existing laws.

SENATOR CLARK: Do all your trains have radios on them?

MR. BAKER: All of our trains, when we have a train leave at the terminal as far as we can possibly do it, we have an operable radio on both ends of the train.

SENATOR CLARK: Is that the same frequency on all railroads?

MR. BAKER: No, it is not.

SENATOR CLARK: Why is that?

MR. BAKER: Well you have an awful lot of cases Senator where you have maybe three railroads, four railroads operating in the same area and you would end up transmitting very confusing signals if you didn't have separate frequencies.

SENATOR CLARK: You would end up with a CB operation.

MR. BAKER: That is right.

SENATOR CLARK: What cabooses would you take off?

MR. BAKER: This again is. . . .

SENATOR CLARK: What safety would you have on the end of the train if you take the caboose off?

MR. BAKER: There is a requirement right now, federal FRA requirement for markers that meet the same specifications that you have in this bill right here. We would have to keep portable markers on. We would have to comply with all of the federal laws relative

to air brakes in gages and making sure that the proper brake pipe pressure was maintained prior to making an air brake test and monitor prior to making air brake test and during air brake tests. When we stopped and out away from away the train we would monitor that the air brakes are being restored from the rear car, visually, by a gage air.

SENATOR CLARK: What assurances would you have if you had the caboose back there if something were wrong and an accident as they stated in their testimony, would happen, what would.

MR. BAKER: If we were to base the entire operation of the railroad on the case of an automobile hitting a mile long train, halfway through the train, first of all you would have to have the statistics on how many cases do the rear end actually see that car. How many cases is that car knocked down into a ditch and nobody sees it. I believe sir the answer to that would be a very strong education program. What we don't want we don't want people running by crossing signals, gates or through crossings at the middle of a train.

SENATOR CLARK: Can you tell me if all of these operating trains now have radios, you say yours do, what are yours Union Pacific?

MR. BAKER: Union Pacific sir.

SENATOR CLARK: How about the other trains? Do you know that?

MR. BAKER: I can not speak for the other railroads. I..as far as I know they are generally equipped with radios, but I couldn't tell you if every train had a radio on both ends.

SENATOR CLARK: Even the small trains have radio's on them.

MR. BAKER: Yes.

SENATOR CLARK: Short trains?

MR. BAKER: Anything that is a train.

SENATOR CLARK: Thank you.

SENATOR SCHMIT: Any other questions? Senator Lamb? Senator Doyle and then Senator Beyer.

SENATOR DOYLE: Mr. Baker, is the collective bargaining agreement that you have, does it provide that you will negotiate for the removal of the cabooses or does it just say that you can proceed to remove cabooses.

MR. BAKER: It requires us to negotiate for the removal of cabooses. I have here and I will pass out a copy of a part of the agreement that was pertinent to removing cabooses. (Exhibit D).

SENATOR DOYLE: Have you since the entering in of that agreement, has your railroad or any of the other railroad of which you might be aware unilaterally removed cabooses.

MR. BAKER: No Senator, they have not. I don't believe that there are any railroads to this day have removed any cabooses.

SENATOR DOYLE: All right.

MR. BAKER: I might add Senator that the agreement itself calls for not the total removal of cabooses immediately. It required. . . .

SENATOR DOYLE: The orderly removal where possible.

MR. BAKER: The orderly removal and during the initial part of the agreement we can remove cabooses on all local freight service that is safe to do so and we can remove cabooses on up to 25% of through freight service. This is based on 1981 traffic levels.

SENATOR DOYLE: So you do have the authority to unilaterally remove but you. . .

MR. BAKER: No, we do not. We have to negotiate that 25%.

SENATOR DOYLE: Thank you.

SENATOR SCHMIT: Senator Beyer has a question.

SENATOR BEYER: Mr. Baker, going back to that lady's case of an accident, I am a former rescue squad member for about 30 years but over a period of about five years here recently I can relate to about six accidents where that has happened. One of them is on your railroad and the others were not. It is a very high probability and I think that is the thing that concerns me. Because, it is very possible to have that to happen with no notification but in these cases we were notified that it did happen through the fact that the caboose was able to notify us in areas where there were no other facilities to really notify us that soon. That part concerns me, I hope it does at the time that you get into those talks. But then also do you have to file with the DOT if you take the caboose off the train or is that just a notification that you work out with the unions?

MR. BAKER: We have to. . . we do not have to file with the Department of Transportation. The Department of Transportation is paying very close attention to the caboose removal agreements because there are going to have to be adjustments made in operating rules and operating practices in the power brake law in order to comply with all of these regulations with taking the caboose off. We, the Union Pacific met in early December with the federal railroad administration and they said that they were very anxious to follow the proceedings as far as removing cabooses and they would be monitoring very closely. You know, when the

Federal railroad administration, again I deal with those people on a daily basis and they are not going to let us operate trains that are unsafe to operate. I have used some terminology here today with you people about dragging equipment detectors, hot box detectors, ABD, ABD control valves, AB control valves, dynamic brake, 26 L brake equipment and I will be very surprised if any of you really understood what any of those things were about. The federal railroad administration does very definitely understand what those are about. They are the experts in the area if there are rules to be made, that is the body that should be making those rules.

SENATOR BEYER: But they have to make those rules yet. You really have got to work them to. . .

MR. BAKER: They have existing rules in tact right now that we will have to comply with even though we remove a caboose that will require us to make some changes in our existing operating practices.

SENATOR BEYER: You talk about the economy, the railroad supported this recently passed gas tax bill that hit cars, trucks and everything else, increased taxes to the trucking industry. I think we in the trucking industry should be afforded some of the same economic values that you are asking for here.

MR. BAKER: Senator, that is way beyond my expertise, you have heard of safe statement made about the fact that railroads carry 70% of the hazardous material shipped in the nation. This is a fact. We do carry 70%. It is. . . what was not said in that is that the railroads have less than 10% of the

accidents involving hazardous material in the nation that over 90% of the hazardous material incidence are highway related.

SENATOR BEYER: I would like to see those figures then because that doesn't correspond with what I have.

MR. BAKER: I have them with me sir if you would like to see them I'd be happy to give them to you.

SENATOR SCHMIT: Are there other questions of Mr. Baker? Senator DeCamp.

SENATOR DeCAMP: As I understand it your concern is the addition cost imposed to the consumer.

MR. BAKER: That is definitely one of my concerns, yes sir.

SENATOR DeCAMP: Would that be the primary concern?

MR. BAKER: The primary concern is with Union Pacific Railroad is operating safe, efficient, trains that are keeping up with modern technology and not having equipment that is extremely expensive and not useful that we have to maintain. By maintaining that the cost of shipping is passed on to the shipper and eventually the consumer.

SENATOR DeCAMP: It would seem to me then, if the railroads, the management, were really and truly concerned about the cost to the consumer, they would want to encourage, quite frankly, competitive forms of transportation of probably the big ticket item across this state "coal", competitive forms of transporting the coal. Yet, they have traditionally pretty well opposed those. Are you familiar with what I am talking about?

MR. BAKER: You are talking about the coal slurry pipelines and Senator you are way out of my expertise area in that.

SENATOR DeCAMP: Okay, then we will go to another one. Your



other concern then is safety. You suggested that the employees and the unions, I mean the management had negotiated, had negotiated this issue, is that right?

MR. BAKER: Yes, that is correct.

SENATOR DeCAMP: But really you had no business negotiating that issue. That is an issue for Nebraskans to worry about, the Legislature in terms of actual safety. I can see where you would be able to negotiate whether you have a potty inside that caboose, whether you have a window on the . . . or I mean a mirror on the wall, all those things that are comfort and whatever for the employee, this kind of thing, but the actual fact as to whether it is a safety element or not, and whether we feel that it is a safety risk for the citizens of this state should be addressed, that is for us, the Legislature. You can't negotiate through your union contracts our concerns away, can you, legitimately?

MR. BAKER: Senator I don't believe that there is anybody that is more qualified to negotiate safety on the railroad than the railroad industry themselves and the United Transportation Union that makes up the trainmen that operate on a day by day basis. Those are people that know the railroad operation. They know these terms that I have thrown at you today. They understand these terms. They know the cases where there are, you can go back to the feather bedding days that we have got to get lean on the railroads. The costs are going up, we are passing that on to the consumer. We sat here not too long ago and we had a very strong Milwaukee Rail road, we had a very strong Rock Island railroad, they both declared bankruptcy, we have an awful lot of railroads right now that are on very shaky grounds. If we don't get in tune with todays automted world <sup>then</sup> we are going

HAVE TROUBLES in the railroad industry in the future.

SENATOR DeCAMP: I don't question your concern about cost and I think it is a legitimate concern. I just point out that at some point, at some point, we have a right to make a final decision and should make the final decision on the safety aspect. At the very best, with the best intentions in the world you have a conflict of interest.

MR. BAKER: Senator, again, if we have problems with trains, if we have trains that derail, if we have trains that have accidents, if we have trains that are injuring people be employees or public then believe me, that is an extremely costly thing for the railroad. We are not going out and we are not going to operate unsafe trains. We know our railroad. We know what is safe and what isn't safe. The United Transportation knows what is and what is not and during the process of this collective bargaining process this was an effort by both labor and management to say that we can get rid of unnecessary cabooses. This bill would very seriously harden that process and the fact is that I can't believe that the bill is still before you.

SENATOR SCHMIT: Are there other questions of Mr. Baker? Following up just a big on the line of questioning that Senator DeCamp Mr. Baker, if you are saying that the Legislature does not have the responsibility to look at the safety aspects of transportation system of the railraod industry, is it true that the trucking industry represented by Senator Boyer should also review and negotiate the rules of the road as they pertain to trucks?

MR. BAKER: Senator, I hope I didn't leave you with the impression

that you do not have the right to have the concerns of safety for the State of Nebraska. By all means you were elected, if you ran on a platform saying that you weren't going to do that I'm sure that you wouldn't have been elected. I'm not trying to imply that. What I am trying to say that the federal railroad administration, the knowledgeable, federal regulator agency that regulates the safe operations of trains is much more knowledgeable on what it takes to safely run a train and that they are not going to let us compromise them as far as safety, be it public safety or be it employee safety. No, I didn't mean to say that you did not have the right to have a concern for the safety and the residents of Nebraska.

SENATOR SCHMIT: Thank you. Does Mr. Lauver have a statement also in regard to the caboose issue or are you speaking for both of you? Does <sup>he</sup> have an additional statement Mr. Baker?

MR. BAKER: No, he is here in case you had some technical question on cabooses.

SENATOR SCHMIT: I have a question to ask and Senator Clark raised the issue because the bill is a rather comprehensive bill and Mr. Lineweber referred to the matter of number one a caboose and number two a short wave radio on that caboose and basically that is all that he was looking at. Would your... would management be opposed if we were to strike all reference to everything in the bill with the exception number one the caboose and number two the requiring that there be a short wave radio in the caboose.

MR. BAKER: Yes, very definitely.

SENATOR SCHMIT: You would still be opposed. . .

MR. BAKER: If you are tying that into having a caboose on every

train. If you are tying that into would we be agreeable to.. on trains that have cabooses to have them equipped with radios we would very much go along with that.

SENATOR SCHMIT: But you would object to the requirement that there be a caboose on every train.

MR. BAKER: Yes Senator, I certainly would.

SENATOR SCHMIT: Senator Doyle.

SENATOR DOYLE: You indicated that the Federal Railway Administration and other federal regulatory agencies certainly would not provide, would not look favorably upon equipment operated in what would appear to be an unsafe manner. We do have a letter from the Public Service Commission which has responsibility regulatory and safety wise in certain areas of railroad operation and would you care to comment on the fact or what is your reaction to the fact that the Nebraska Public Service Commission has unanimously decided to back those two provisions that Senator Schmit referred to, the provision of a short wave radio on each train and the retention of manned cabooses. Here we have a situation where a local, if you will, a state wide regulatory agency says, yes, they should be there. I guess we can buy the proposition at the federal level we look to them for guidance I suggest that perhaps at the state level we would legitimately be looking to the Public Service Commission and I think that pretty well, that comes down hard on the side of the retention or the requiring caboose and radios, does it not.

MR. BAKER: Senator, the <sup>existing</sup> cabooses on trains now, the operating rules and the operating procedures are based on the fact that there is a caboose back there and that there are men back there.

The rules are written to utilize those people being on the rear of the train. The rules and operating practices will be changed to insure every safeguard when we remove cabooses. I am sure that they probably did not realize that the national carriers and the United Transportation Union had negotiated and are in the process of negotiating the safe orderly removal of cabooses. SENATOR DOYLE: That of course I guess depends upon what we do here.

SENATOR BEYER: I don't believe that they can negotiate the state's right though. I really don't. I think the association you had can not take away our state right.

MR. BAKER: Absolutely not Senator and I did not mean to imply that.

SENATOR DOYLE: If that is what you are implying I take exception to that.

MR. BAKER: Senator, I'm not, my implication was that the experts in the area are not going to run trains that are unsafe. The rules, procedures will be followed to insure that we operate safely without a caboose and I say that you ought to have those experts be the ones that make the regulations as far as operating the national rails.

SENATOR DeCAMP: I think this has been enlightening. I'm sure that you do have a lot of expertise in safety and your engineers do know because of their vast <sup>years of</sup> experience in railroading is to what is safe on the railroads, at least your opinion should be heavily received. Last year here I noticed that not only did you expand your expertise on safety to the operation of the rails but you expanded it into the area of trucking, the trucking

industry and movement on our highways and I wondered what was the background of expertise that made the railroads so capable of deciding all the safety rules and the way transportation should be handled on the highways. Their sole objection to some of the trucking legislation last year was on safety grounds and they led the fight almost exclusively. Should we then, because of your expertise on safety rely on you for our highway safety rules and also a couple of years before you exhibited in your expertise in the area of water control, should we turn the water regulation over to the railroads too, your safety experts. MR. BAKER: Senator, the only thing that I confess to be an expert in is railroad safety and believe me water safety, truck safety is completely out of my area.

SENATOR DeCAMP: Agreed.

MR. BAKER: My area is. . .

SENATOR DeCAMP: Since the railroads have expanded their interest into that way, very heavily in this legislation, why should we believe your expertise in rail safety is any more creditable or any more capable, at least from a creditability standpoint than it is when you interject yourself into all of these other areas of safety. I mean what is the basis for believing or telling us, you are telling the truth now, and you were or were not in the other areas where you have got people more heavily involved than in this.

MR. BAKER: Senator for me to tell the truth is, I'm telling you the truth about railroad safety. I don't know what was presented. . .

SENATOR DeCAMP: But you are a hired gun by the railroad to

appear here, right?

MR. BAKER: I don't even know what was presented to you, who presented it, so for me to even comment on it, that would be way beyond my expertise, sir.

SENATOR SCHMIT: Any other questions? How many cars Mr. Baker on an average coal train?

MR. BAKER: Normally in the vicinity of 84. Now let me explain this. If you are talking running from unloading to across the...across Nebraska where the train is much more level with the caboose cars, may, I can't tell you for sure but it would probably be in excess of a hundred. Going in the mountainous areas they are limited to 84 cars.

SENATOR SCHMIT: Senator DeCamp is a pilot but he is not a very good navigator and he tells me that he can fly from here to Gillette, Wyoming. . .

SENATOR DeCAMP: And see no mountains.

SENATOR SCHMIT: . . . and never get out of the site of a coal train and they average about 125 cars in length.

MR. BAKER: That could be.

SENATOR SCHMIT: How many cars on an average jumbo hopper car, jumbo grain car train?

MR. BAKER: Again on flat land you would probably be in the vicinity the same as you are seeing on the coal cars. Upwards of a hundred but in mountain territories the grain cars are limited to 75 cars on the Union Pacific.

SENATOR SCHMIT: How long would that be in <sup>distance of</sup> ~~foot~~ feet?

MR. BAKER: Oh you are talking. . . Approximately 75 foot a car and then with the locomotive consist you are. . .

SENATOR SCHMIT: A hundred cars would be almost a mile then, a mile and a half.

MR. BAKER: We run trains that are a mile and a half long.

SENATOR SCHMIT: How many people man that train?

MR. BAKER: Right now today between four and five, depending upon whether the train has a fireman. We have

(End tape #2)

(Start tape #3)

due to the fall off in business and due to the protection clause that we have for engineer's being furloughed that we have right now pretty close to 600 firemen working on our freight trains across the Union Pacific system. Normally speaking a crew would consist of a head brakeman, an engineer, a rear brakeman and a conductor. I want to emphasize that there was no mention in this bill and there was no agreement signed to reduce the size of this crew.

SENATOR SCHMIT: If you were to take the caboose off the crew would remain the same?

MR. BAKER: With this bill the crew would remain the same. There is also a bill, I shouldn't say a bill, there is also negotiations going on on the Union Pacific in Nebraska well on the eastern district which consist of Wyoming, Nebraska, Kansas. A crew consist agreement to by attrition get rid of one of the two brakeman, otherwise the three trainmen being the conductor, head brakeman and rear brakeman, there are negotiations going on to get rid of one of those brakemen.

there is negotiations going on to get rid of one of those brakemen.

SENATOR SCHMIT: Those crewmen would not be needed then, eventually right? You really would not need four or five people to man that train.

MR. BAKER: Again that by collective bargaining, the only the thing that we are looking at now and it has nothing to do with this bill as . . . we are broken down in three districts on the Union Pacific, the South Central District, the Northwest District and the Eastern District. The Northwest District and the South-central district have signed agreements to eliminate by attrition the rear brakeman on trains that meet certain train length requirements. That same negotiation is going on in the eastern district right now. There has been nothing signed and I don't even know where they stand as far as the negotiations go right now.

SENATOR SCHMIT: The savings then to the railroad would consist primarily from the discontinued operation and maintenance of the cabooses, is that. . .

MR. BAKER: That is correct and you are talking about cabooses right now at being right at \$80,000 a copy.

SENATOR SCHMIT: I guess my question is what does it cost per ton of coal to haul that coal from you know, from out west to Nebraska to the OPPD plant?

MR. BAKER: I could not answer that.

SENATOR SCHMIT: I guess I'm trying to figure out how much it would reduce the value of the, or increase the cost of that ton of coal then.

MR. BAKER: Again this agreement that was signed on October 15th

with the United Transportation Union, that was tied in to a three year wage package. It was all tied in together and part of the wage concessions that were made to the United Transportation Union were based on the fact that we could see some savings by eliminating cabooses. It is kind of like a real serious case of having your cake and eat it too. You sign an agreement and now you are back tracking on that agreement. You have got your part and now you are not willing to . . . again I don't think that based on the negotiations that are going on right now should be in this bill.

SENATOR SCHMIT: The crew that operates that mile and a half long train, from up in the cab there has no need of having someone in the back to talk too.

MR. BAKER: Under certain situations they do not need someone in the back.

SENATOR SCHMIT: I only had the experience of driving a car load of ten children and I always had to have an extra person watching out because I never knew what the hell was going on. I guess I am a little confused about that. Senator Beyer.

SENATOR BEYER: I guess I have got a question then. What would happen in a case like this morning on the way down here. I travel along Highway 6, along side the Burlington. They had one broke in two places out here. I don't know whether they had a \_\_\_\_\_ up ahead, but in order to keep from blocking two crossings they had it broke. Now who is going to break those in the case of an emergency like that. To keep from blocking the crossings the unhook. . .

MR. BAKER: Otherwise they out the crossings to allow traffic.

The existing crew only they will walk from the head end to the crossing instead of from the caboose to the crossing.

MR. BAKER: Do you think that there is not enough action that is happening on the railroad then that <sup>to</sup> justify the caboose back there to see in case they did hit something a fire or something else.

MR. BAKER: NO, I don't think the justification of a caboose can be based on just cars that hit trains midway in the train. If you want to look at national statistics about. . .

SENATOR BEYER: We are talking about Nebraska, we are not talking national.

MR. BAKER: I have a hard time trying...I can't tell you how many accidents happen strictly in the State of Nebraska. I can't tell you how many of those, where the car hit the train and what part of the train the car hit and...but the majority of the crossing accidents involving motor vehicles occur with the locomotives being in contact with the car or the truck whatever the case may be.

SENATOR SCHMIT: Just before I take Senator DeCamp's question, how many more people will testify against this bill? One more. Senator DeCamp.

SENATOR DeCAMP: Just a very simple question. A little while ago, I have been trying to listen and understand what you are saying, I know that you are trying to present us with information, you said that you were from Nebraska, is that correct?

MR. BAKER: I have been in Nebraska since 1976.

SENATOR DeCAMP: So you are familiar with it.

MR. BAKER: Yes.

SENATOR DeCAMP: A little while ago Senator Schmit asked you the length of trains. The bill deals strictly with Nebraska you are familiar with Nebraska, you proceeded to tell us until caught, so to speak, the length of trains in the Rocky Mountains, why?

MR. BAKER: I guess because I have just got back from running some test trains on the Blue Mountains that involve coal trains and that is the first thing that came to my mind. I certainly was not trying to mislead you Senator.

SENATOR SCHMIT: Any other questions? If not Mr. Baker, Mr. Lauver, thank both of you.

MR. BAKER: Thank you very much for your kind attention.

SENATOR SCHMIT: Who else would testify in opposition to the bill?

TRISH BROOKS: Good afternoon, my name is Trish Brooks, I'm employed by Union Pacific Railroad I'm their community relations officer for the State of Nebraska and I'm here today to testify in opposition to LB 179. I was really shocked and flabbergasted to hear the previous testimony in support of LB 179 which would lead one to believe that the Union Pacific does not feel a deep responsibility for public safety, since this is one of the primary responsibilities of my position is to promote programs which educate the public about railroad safety, and I'm only one of several that travels Nebraska and visits the communities and go into the local governments and go into the local organizations. I...you know that that is not true. During 1982 over 115 safety presentations were conducted in Nebraska communities. Now my

Facts are Nebraska oriented because I don't travel any where else. Those presentations were attended by over 11,000 citizens and that doesn't include the Nebraska State Fair. Safety presentations were made to community and civic organizations primarily to schools, local enforcement and local emergency response teams, police, fire and ambulance, driver education training centers to name just a few. I know it has been a long afternoon and you have a lot. . . I'll name just a few of the examples and programs that we get involved in. UP Hazardous Material Seminar which is recognizing and identifying hazardous materials was presented 13 times and was attended over 344 local response personnel. In Sidney over 600 school children viewed a safety film it is your tomorrow while school bus drivers viewed a safety crossing film on crossing railroad tracks safely. <sup>In</sup> Oretna driver education classes viewed, don't gamble with death, they can't stop. In Lincoln police recruits and in David City the fire department viewed and attended the hazardous material seminar. At the Nebraska State Fair operation Life Saver was featured. The Nebraska Operation Life Saver program is scheduled...

SENATOR SCHMIT: Were you at David City the day we had a train wreck when two trains ran into each other?

Ms. BROOKS: No, I wasn't I heard about it though. The City Manager called me. I guess I have a certain pipeline out there. Well we try. That is all that I am saying. We are committed to trying and trying to be responsive and proactive. Any way the Nebraska Operation Life Saver program is scheduled to be kicked off in Nebraska, hopefully next month. This is an

"PUBLIC WORKS"

aggressive, intensive educational program designed to stress railroad safety. It is jointly sponsored by the four major railroads, the Department of Roads, the Department of Education, the Department of Motor Vehicles and the Highway Patrol. We have the support of the local safety councils and the local governments. This program which was also conducted in 1973 requires a railroad budget of \$50,000. Some of the other things that the railroads have designed and will provide to the communities and organizations are 30,000 brochures, 10,000 bumper stickers, 500 hats, 300 pins, 10,000 litter bags, 10,000 bookbags and films will be made available to any organization and school requesting presentations. We have copies, 75 copies of "Lucky You", which is made for general audiences. We have 30 copies of "Trail Talk" which is designed specifically for children. And we have 10 copies of "Dime to Consider" which is designed for truckers. The advertising blitz is going to hit all of the newspapers, all of the radio stations, they have designed PSA's, 25 tapes, video tapes and 50 radio tapes. News releases will be available to all of the media in the state. This is just one expensive and intensive program that requires the cooperation of many organizations, industries, government to conduct all. . . necessary to improve public safety. I guess it is my. . . in conclusion I would like to emphasize that UP is committed to educating the public about railroad safety and very committed to public safety. This commitment is demonstrated by its personnel, by its programs, by its financial resources that it commits to to carrying out these activities. I guess my philosophy and

I really will state that it is Union Pacific's philosophy that if we can increase the public's awareness we can eliminate these unnecessary accidents. We can go to the source and we can make safety everyone's concern and everyone's responsibility because that is where it starts. Thank you very much for the opportunity to speak before you. If you have any questions I'd like to answer them.

SENATOR SCHMIT: Any questions of the witness?

MS. BROOKS: I don't know anything about coal slurry though. I qualify that.

SENATOR SCHMIT: Senator Meyer.

SENATOR BEYER: Can you go back over your first figures there of how many, I guess it was even past your first paragraph, of how many visits you made presentations. . . I just missed the figures.

MS. BROOKS: Okay, it wasn't me particularly, I am responsible for being a liaison with local governments. I deal with mayors, city managers, I promote these. Another words the City Clerk of Schuyler called me the other day and he said we have this new viaduct and we have a problem with it. The children are crossing under where the old sidewalk is and you have got stored cars there and we need to do something about this.

I said, okay Mary what we will do is I'll have our special agent contact the schools, we will have another school program we will remove the sidewalks so I don't make these personally, I just promote them.

SENATOR BEYER: I just wanted the figures.

MS. BROOKS: Okay, it is 115 safety presentations.

SENATOR BEYER: How many people?

MS. BROOKS: Over 11,000. I have them all here if you are interested in looking at them.

SENATOR BEYER: That is over a thousand people to a group.

MS. BROOKS: No, no, there are all sorts of small groups. There were some of these in . . .

SENATOR BEYER: 115 into eleven thousand still comes up to a thousand for each presentation.

MS. BROOKS: Well some of them were very large groups.

SENATOR SCHMIT: Any other questions? Senator DeCamp.

SENATOR DeCAMP: As I understand it kind of from the way you have indicated, you. . . the railroads really are interested in safety and you mentioned Schuyler viaduct, is that about the safest way to get the cars and trains separated from each other?

MS. BROOKS: I would say so.

SENATOR DeCAMP: So what if we are really going to get something done I suppose we need more viaducts.

MS. BROOKS: I am speaking ideally. I realize the cost of viaducts and. . .

SENATOR DeCAMP: We are more concerned about safety, kind of, aren't we?

MS. BROOKS? What? We are very concerned about safety but then the realities of the economic climate that we find ourselves in.

SENATOR DeCAMP: So then when it comes to safety whether it is cabooses or viaducts or whatever it is what it is going to cost bottom line, right?

MS. BROOKS: Well you have to be reasonable in your approach, yes.



SENATOR DeCAMP: Of course the railroad according to the previous gentleman's testimony is the one doing the deciding on what safe runs safe but as you just indicated the bottom line is who is going to pay and he is the one having to pay too so, where is his real interest going to lie when it comes to safety? On the side of the railroads on the bucks, or on the side of safety when it comes to us poor klutzie Nebraskan's that run into trains?

MS. BROOKS: I think what we are trying to say is that you just want to find the most reasonable solution that satisfies as many people as possible.

SENATOR DeCAMP: And who should be making that decision then?

MS. BROOKS: You say the railroad but I think the collective bargaining agreement represents management and labor and the federal administration regulatory body that does feel a strong responsibility to safety.

SENATOR DeCAMP: Then they would be the proper ones deciding our safety? Is that kind of what it gets down too?

MS. BROOKS: Yes.

SENATOR DeCAMP: Okay, then on your safety presentations what do you deal with? I assume because the railroads deep, deep, deep involvement in the trucking industry in the last years, I assume you deal very heavily with truck and highway safety too.

MS. BROOKS: I don't personally, so I don't know.

SENATOR SCHMIT: Any other questions? Senator Lamb.

SENATOR LAMB: I just hope you don't feel that this is an antagonistic committee because ordinarily it is not and Senator DeCamp is

ordinarily very differential to beautiful young ladies. I don't know what has gotten into him today, but he seems to be a little bit different today.

MS. BROOKS: Well thank you very much.

SENATOR SCHMIT: Thank you. Would anyone else testify in opposition to the bill? If not, would someone care to close? Before you begin your closing Mr. Lineweber, you heard me ask a question of Mr. Baker relative to striking over the language with the exception of that which was recommended by the Public Service Commission. I have prepared an amendment to that effect. Basically it provides that there be a shortwave radio on each train that would have the same frequency for all railroads and then the retention of manned cabooses on all trains. If the committee were to report the bill out with only those provisions and striking all other provisions of the bill, would your support, would you still support the bill?

MR. LINEWEBER: Certainly so and I think that would tighten the bill up somewhat and make it a complete safety bill and not a frills bill as they contend that it is. I do want to comment on Phil Kenny's opening statements about greasing bills. You know we all make off the cuff remarks and if indeed he believes those I also have some land in Florida that he might be interested in. Mr. Baker, as far as your testimony about the UTU and removing the cabooses that I failed to inform the senator's I don't agree with that in its entirety. We received a letter in our office and it says, from the Union Pacific to remove all cabooses. Not just a few, I'm really amazed at that that you didn't bring that out. You failed to mention our letter to the Union Pacific

involving crew members on trains at Fremont, Nebraska where they say back onto 50 cars and go to Council Bluffs and all of you get in the same sub. You know, you also contend that you work with the FRA every day. Then how come the FRA would approach you about this situation and you are unaware of it. Not you in particular but someone in that office. I have reason to believe that there is a breakdown in communications there. You probably ought to start there instead of being down here opposing good safety bill. We have no wording in this bill that states full crew, as you well know, and the reason we say "manned cabooses" because we are open to removing one person off the caboose, if indeed arbitration warrants that, that is fine and dandy, but the whole point being here that don't short circuit the people of Nebraska, leave somebody back there. I'm surprised <sup>at</sup> all of these statements about the Union Pacific this and the Union Pacific that. Well I think they fail to recognize that they are not the only railroad in the State of Nebraska. There is the Burlington Northern, I am surprised Mr. Fish didn't get up here and plug for them, who is in the audience. We have the CN&W and the Missouri Pacific. The Union Pacific would occupy about a fourth of a trackage in the State of Nebraska. I agree they do have a certain amount of detectors but the other railroads haven't kept up with them. So, that is kind of shocking. The railroads for two and a half years we have had a problem on the railroads involving unsanitary containers for water. You know how we got that resolved? We went to the Public Service Commission and filed a formal complaint. Then they decided to go to a sealed

container involving water. That is amazing. Miss Brooks, I'm going to call upon you the next time the UP sends a caboosless train out of Fremont and it will probably be about 3:00 tomorrow morning. I think what we ought to sum this whole thing up in saying the railroads are here saying "Trust me", you know trust me we will do this and we will do that for you. You know last year they were down here saying hey we are never going to remove the cabooses. What are they saying now? Here is why. . . that is why you can't trust them. You know if indeed it is in...it is the public safety law here in the state, it furthermore and my last comment regarding the UTU and the National Railroads Agreement, of the removal of the cabooses. This is a recommendation of the presidential committee. You know a lot of their recommendations are not doing too well right now. So I would ask you to take strong consideration and I definitely feel and I thank the Public Service Commission for recognizing the fact that we do indeed need a manned caboose and operable radio communications. They talk about all of these dollars, that are spent here in the state and the amount of money that they are going to go up. Just take into consideration the amount of dollars it would save the railroads if they would have gone to operable radios when we recommended it. They have been very, very unreceptive to correspondence and correspondence that we do sent to them now we have had to go to certified mail, so we can come back and say, look you have been notified. So I ask that you do take that into consideration. We had some photos of Union Pacific cabooses that said "Safety is our game, we play it well", or something to that effect, I think you ought to

think about that and let them play their game and leave those cabooses on. Thank you very much.

SENATOR SCHMIT: Senator Lamb has a question.

SENATOR LAMB: Did you say that the agreement had not been ratified?

MR. LINEWEBER: No, if indeed that was the way you perceived that no the agreement is there for the removal of some cabooses. As you recall last year. . .

SENATOR LAMB: It had been, it says here it was ratified by the UPU by an overwhelming margin. Is that a correct statement?

MR. LINEWEBER: That is a correct statement, yes. I won't deny that statement. But my whole contention is as I stated last year when do you put a price on the life of public safety.

SENATOR LAMB: My question I guess is, why did you ratify it if you didn't think it was safe? Why would the union do a thing like that?

MR. LINEWEBER: Because I feel the reason this was ratified is for the eastern railroad involving ConRail, Milwaukee Road and those areas there that they have a lot of short mine runs so if you recall the amendment last year on the short trains, on the branch lines, that doesn't bother us.

SENATOR LAMB: Then you are saying that they were not speaking for you in this area, that you don't agree with this.

MR. LINEWEBER: That is exactly correct.

SENATOR LAMB: But it is your union.

MR. LINEWEBER: That is right.

SENATOR LAMB: And, you don't want to live up to the provisions of it.

MR. LINEWEBER: I don't mind living up to the provisions of it

Senator, but at no time do I feel they ought to be able to arbitrate behind closed doors the safety of the people of the State of Nebraska.

SENATOR LAMB: I guess I am just confused. Either the union did ratify it or they didn't and you uphold the union position or you don't. So which way is it?

MR. LINEWEBER: Well like I say on the east coast they will probably uphold that where they have got short mine runs. But I don't think that was directed at the mile and a half and two mile trains.

SENATOR LAMB: Then you are saying the union didn't properly represent your interests out here?

MR. LINEWEBER: I wouldn't go so far as to say that. I would say perhaps they should have put a clause in their regulating the short trains.

SENATOR LAMB: But they ratified it by a big margin.

MR. LINEWEBER: It is understandably so that they did, yes.

SENATOR LAMB: I guess I am still confused. Thank you.

SENATOR SCHMIT: Any other questions? Senator Doyle.

SENATOR DOYLE: Quickly, was that an agreement that stood by itself? Was it a part of a larger agreement?

MR. LINEWEBER: It was a part of larger agreement, yes.

SENATOR DOYLE: It was something that may. . . there were other factors that came into play.

MR. LINEWEBER: Yes, indeed.

SENATOR DOYLE: You didn't just sit down and negotiate caboose matters in and of themselves.

MR. LINEWEBER: No.

SENATOR DOYLE: Did I understand you to say that in fact there have been . . . I asked Mr. Baker and he indicated that he did not know of any unilateral removal of cabooses. You said you received a letter in your office. Are you prepared to provide us with that letter?

MR. LINEWEBER: I did not bring that letter with me today. Yes, we have a letter, it was received I think on January 10th that was the meeting that he was talking about in Ogden, Utah. But he just said the removal of some cabooses and that letter states, if I recall correctly and I'll provide you with a copy of it, removal of all cabooses on freight trains and local freight trains.

SENATOR DOYLE: I would like to see a copy.

MR. LINEWEBER: Okay, I'll provide you with one. I'll give it to you before the day is over.

SENATOR SCHMIT: Any other questions? If not Mr. Lineweber, I just want to say that living in Bellwood, Nebraska, kind of a branch line, I'm not nearly as concerned perhaps about the removal of the cabooses as I am of the removal of the entire train. That seems to be the direction we are going out there. I'll probably I'll probably have to be taking a wheelbarrel to haul my grain to David City or Columbus one of these days.

MR. LINEWEBER: I'm hoping that doesn't occur. We will definitely be out to fight to save that branch line.

SENATOR SCHMIT: Any other questions? If not, thank you Mr. Lineweber.

MR. LINEWEBER: Thank you very much Senators.

SENATOR SCHMIT: This closes the hearing on LB 179.

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PRESIDENT: (Gavel.) Order in the Chamber, please, and we will take up on General File, LB 179. Members will come to order, please. (Gavel.) The Clerk will read the title of the bill.

CLERK: (Read title.) The bill was read on January 12 of this year. It was referred to the Public Works Committee for hearing. The bill was advanced to General File, Mr. President. There are Public Works Committee amendments pending.

PRESIDENT: Is Senator Schmit here? Is Senator Schmit in the Chamber? Senator Lamb, vice chairman of the committee, are you available? Senator Schmit, we are about to take up committee amendments on LB 179. The Chair recognizes the Chairman of the Public Works Committee.

SENATOR SCHMIT: Mr. President and members of the Legislature, the committee amendments delete all of the language in the bill that provide for basic requirements to be added to the cabooses with the exception of the radio, so there must be a short wave radio in the caboose and there must be communication between the caboose and the lead locomotive of the train. So although the bill itself is rather extensive, all of that was stricken with the exception of the requirement of the caboose and for the requirement that a short wave radio be provided in the caboose. I move the adoption of the committee amendments.

PRESIDENT: The Chair recognizes Senator Pappas.

SENATOR PAPPAS: Thank you, Mr. President, colleagues, I rise to support the amendments from the committee. They cleaned up the bill and basically made the bill where its true intent is it is strictly a safety bill for the people of Nebraska. I support the amendments.

PRESIDENT: Is there further discussion on the amendment? If not, all those in favor of the committee amendments vote aye, opposed vote no. Have you all voted on the committee amendments? Please record your vote. Have you all voted? The Clerk will record.

CLERK: 25 ayes, 0 nays, Mr. President, on adoption of the committee amendments.

PRESIDENT: The motion carried. The committee amendments are adopted. The Chair recognizes Senator Pappas on the bill.

SENATOR PAPPAS: Thank you, Mr. President and colleagues,

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when I came down here, I am a freshman senator, and there has been a long standing rule that freshman senators basically...kind of an unwritten rule...should be seen and not heard and not to be involved in anything controversial. So following those lines, those unwritten rules, I kind of went along with that and anything that I have signed my name to or bill introductions I made sure that they were noncontroversial and just for the good of the people of Nebraska and this is one bill that the people that benefit are the people of the State of Nebraska. LB 179, basically what it does after the amendments is require that there is a main caboose on the back of every train in the State of Nebraska and there is a two way radio system on the same frequency, one in the head end of the train and one in the caboose. We have had a lot of talk, there has been a lot of discussion for the last week or two about cabooses. There has been a lot of pro and con on both sides. There is a few things I would like to point out this morning, before we go too much further, that 90% of the trains that roll through Nebraska, through trains in Nebraska right now are over a mile long and it is not uncommon to see trains a mile and a half long that have stopped occasionally, block three crossings at a time and anything a mile to a mile and a half long is too far from the head end of the train to see back to the tail end. There has been a lot of talk about the safety records of the railroads and granted I think Nebraska is blessed with some of the best run railroads in the country. They are very good railroads but I feel that one of the reasons that the safety record and the record performance of these railroads has been so great is because we have had this manned caboose on in the past and this bill would assure that it stays on in the future. The National Safety Transportation Board has not ruled to allow all companies to remove the cabooses. The strongest feelings that I have towards this bill, there has been a lot of debate whether the companies that should be a negotiated labor item. I want to speak a little bit on that. I do not personally feel in the past or the present that neither the unions or the railroad companies have showed enough concern for the basic safety of Nebraska. Instead traditionally when they negotiate they negotiate for their personal financial gain and I think this is one reason that I think we need this law. We need this bill to ensure the safety of the people of the State of Nebraska. There has been a lot of brochures and information sent out where the true intent would come out. I have a memo I think you all got the other day that states in here that from the Union Pacific it says, "Notice is hereby given by Union Pacific of its intent to operate without cabooses in the following classes of service, all trains operated in through freight service and all trains operated in local freight service." So I think the intent

is clear the eventual elimination of all cabooses in Nebraska. I do not think the safety of Nebraska or the people can afford that. There have also been letters passed around and circulated trying to confuse the issue or cloud the issue as a labor negotiation item. On one letter that was sent around it states it is not unusual for a railroad to state that it wants all cabooses off. The unions then counter and say they want all cabooses to stay. A happy medium is then reached after the bargaining ends. Then at the bottom of the paragraph it says, "After all safety factors are considered." Well, and I'm not the sharpest guy in the world, but the way that kind of reads to me that they negotiate for the personal gain first and then kind of consider the safety factor second. Also in this letter it states that, "Interstate Commerce Commission's study in December of 1980," the Interstate Commerce Commission I will underline, "determined that public safety would not be jeopardized if cabooses were removed on the Milwaukee Road." The Milwaukee Railroad is a financially troubled road, railroad, and also the basis, most of the trains running on that service are short trains. As you notice in one brochure I sent out the other day it had the pictures of the cabooses on it and when you look at the caboose for years you have seen the safety slogans on them so I think that speaks for itself about the safety feature they have. I will go back to the mile and a half trains just briefly. When you talk about a train that is a mile to a mile and a half in length, when they start off you get what you call kind of a whipping action, a jerk action. As the slack takes out when it gets back towards the back there have been reported instances where towards the tail end of the train long cars, some of these that are eighty foot or more with a high center of gravity have literally been jerked off the track and the only way those can be detected immediately is if you have a manned caboose back there. With that I will yield to somebody else that wants to speak.

PRESIDENT: Thank you, Senator. The Chair recognizes Senator Vickers and the Chair might apologize to Senator Vickers that I believe that some of his guests have left the Chamber but they were in here and maybe they can still here my voice, twenty-four students, the first and second grade from Farnam, your future successors in office, Senator Vickers, with their teacher, Mrs. Hoppe.

SENATOR VICKERS: They are still up in the balcony.

PRESIDENT: Oh, very good. Senator Vickers.

SENATOR VICKERS: Mr. President, members, I rise to support

LB 179. I am the co-introducer of it. Senator Pappas indicated that as a freshman senator he didn't want to get involved with any controversial issues. I guess I share that belief. I have hardly ever got involved with controversial issues down here either, of course. There are those people who may think that this could be perhaps a controversial issue as Senator Pappas pointed out, that we may be dealing with issues that should be labor-management relations but I will point out to you that with the committee amendments which Senator Pappas and I both agreed with and concurred with, that the bill now is strictly, at least from my point of view, a safety issue and a safety issue alone and that issue is simply this. Do we want railroads to be operating trains in this state without a manned caboose on the end and do we want that manned caboose to not have any radio communication with the engineer at the front of the train? Now there are many crossings, many grade crossings in the state without any lights, without any warning systems at all other than the signs and especially at night or at any time of the day for that matter, it would be possible and has happened as a matter of fact, that a vehicle would plow into the side of a train and the only reason that anybody knows about it is because of the fact there was somebody back there in that caboose and was able to get the train to stop, especially when you are talking about these long trains that the engineer is quite a ways on down the track. There is no way in the world that they could tell if somebody had plowed into the side of them. Plus the fact, at least in my area and in many areas of the western part of the state, there is a danger of fire from overheated bearings on these boxes or these wheels on these boxes as they go along and having somebody back there at the back to notify people that they are spreading a dangerous hazardous situation along the tracks as they go I think is another issue of safety that this Unicameral should be concerned with. So I would simply point out to you, and I know the argument is going to be made that we have no business entering into what should be labor-management relations. Again, I emphasize the fact that this is not labor-management relations in my opinion. It is a matter of safety. It would almost be like saying that we don't care if we have taillights on the back of a truck or not. I think that would be ridiculous and I think this would be ridiculous to indicate that we are not concerned about the safety out there on the railroad crossings also. The point is also going to be made I believe, that maybe we should study this issue some more. I would suggest to you that that is a good way to not deal with an issue if you don't want to deal with it is to suggest that we are going to study it. I don't know how you could actually believe that we needed to study whether or not we were concerned about safety on the railroads and the railroad crossings in this state. So with that

I would simply urge this body's adoption of LB 179 to move it on over to Select File. Thank you, Mr. President.

PRESIDENT: The Chair recognizes Senator Clark.

SENATOR CLARK: Mr. President and members, I think this is probably one of the most unfair bills that we have had come before the Legislature. Now whether you believe in management negotiations with labor or not, I don't know. That is exactly what it is. Article X of that contract that was signed by both labor and management said that they would remove cabooses from certain trains. The only way that they can remove those cabooses from any train is take into account what that labor negotiation said in the first place. They have to determine the safety of the employees. That is the first thing they have to determine and this has to be between the management and local labor unions, not a national, but the local labor unions. He talks about a train that is a mile and a half long, that probably shouldn't be taken off. But if the union agrees to it then it would happen. But the union does not have to agree to that. In the first place, if you know what happens in a caboose you have to wake the fellows up in the caboose to get something done anyway. The operating safety and the length of the train has to be taken into consideration also, the effect on employees duties and responsibilities resulting from working without a caboose, the availability of safe, stationary and comfortable seating arrangements for all employees on the engine, availability of adequate storage space in the engine consisting of employees gear and work equipment, all of these things has to be taken into consideration before they can remove any caboose. Now we have been getting stuff all week about how unsafe it is on this one and you know, the thing down at Rulo was started by the fellow in the caboose. If you wouldn't have had a caboose on the train you wouldn't have had a fire. In the first place, he threw the fusee out and they got a picture of the fusee out there in the weeds starting the fire. I think the people that are certainly worried about safety has to be the railroads. Who is it that pays for the damages? It isn't the unions that pay for it. It isn't the fellow in the caboose that pays for it. The railroads have to pay for any damage. They are liable for anything their employees do. I just don't think it is right that the . . . about the one thing I understand that they have got a lot of . . . national agreement was the fact that they could take cabooses off, it was agreed upon. I wonder how the unions would feel if management would come in here with one of those articles that they have to pay more cost to the union and say we agree with everything except this. We don't want this particular one. Now what are you going to have in Nebraska? Are you going to have a staging unit outside

of Nebraska? Wyoming just scuttled this bill. Are you going to have a staging unit out there to when you come up too wide you are going to put a caboose on? They are not going to take the lights off of cabooses or off of the back of the trains. That would be stupid to do that. It is going to be safe or they won't do it. Now if the union agrees to it then I don't think there is anything we can do in here. I think what I am saying is that I don't think a Legislature has any reason to get into labor-management agreements. That is between labor and management, not the Legislature. The thing that we would do here if we would put those cabooses on, no other state around us would have those cabooses on certain trains, not all trains. I am sure they wouldn't take a mile and a half train and not have a caboose on it. But the shorter trains they allow right now up to, I think it is two or three miles from the yards, no caboose. That is something that was agreed upon. I don't know if it is right or wrong and I am not privileged to have the information to know what is right and what is wrong as far as the safety of the caboose is concerned, the safety of the train, the safety of the crews, I don't know, but the people that are responsible for that are the people in the unions and in managements that know and certainly management has complete responsibility for the whole thing financially. The unions don't have and I just think it would be wrong that we would do this.

PRESIDENT: The Chair recognizes Senator Howard Peterson.

SENATOR H. PETERSON: Mr. Chairman and members of the Legislature, it appears to me that this is nothing but a feather-bedding bill. I think we have to recognize that as Senator Clark has said, this is a management-labor relation issue and that really when it comes right down to it that it is the management that pays the bill. If they are willing to pay that bill, if labor wants to do what they are apparently trying to do, then let's change the bill so that they pay half the cost. That would be fair it seems to me in this kind of a situation. But I think we need to recognize what we are doing to the Nebraska farmer in terms of what it will cost him to ship corn out of this state. We need to think in terms of what it's going to cost us on utilities. I have heard all kinds of people on this floor wanting to do something about utilities cost. Here is a chance for us to do something about it. We've got all kind of coal cars coming into this state and if we want to cut some of our costs on that coal, let's do it by getting rid of the cabooses. I don't see any reason in the world why if management and labor together agree that we've got a safety factor, they can't put the caboose on, but if there isn't that need, then why should

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we just specifically say, hey, you have just got to keep these people back there in the caboose and keep them working. For that reason I would be opposed to the bill.



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PRESIDENT: The Chair recognizes Senator VonMinden.

SENATOR VON MINDEN: Mr. Chairman and members of the body, a question of Senator Vickers, if he would yield.

PRESIDENT: Senator Vickers. Okay.

SENATOR VICKERS: Certainly.

SENATOR VON MINDEN: Senator Vickers, it reads in the bill, all trains shall have a caboose, I live on a short run, a track that goes through Sioux City, Iowa to O'Neill, Nebraska and apparently it takes some time to fill the grain cars up there and it is real common to see trains go through my land just three or four engines alone, and would they be required to have a caboose?

SENATOR VICKERS: Three or four engines alone?

SENATOR VON MINDEN: Yes, they are perhaps headed from Sioux City up to O'Neill to pull a load of cars back.

SENATOR VICKERS: I don't think they would, would they Jim? I don't believe they would if all they had was an engine, no. I don't think that would even be considered a train, would it?

SENATOR VON MINDEN: Well, I don't know. That is why I am asking you.

SENATOR VICKERS: No, it's not...that wouldn't be my intent if there is only one engine or two or three engines. But I think what you are getting at, Senator VonMinden, is that on short trains, on a "short train" on a branch line. I live on a branch line too. I think it is just as important there to have somebody watching out for...because sometimes the branch lines are the ones where the railroads do an even poorer job in right of way management, letting weeds grow up along the right of way and that type of thing and I think it is important there as far as power safety is concerned to have somebody back there in the back, but if it is nothing but an engine, obviously the engineer is going to be close to it anyhow.

SENATOR VON MINDEN: Senators, on a short track such as we have going through my property, I am happy that we still have it and they have reworked the line and it is there and I am afraid if we interfere too much with the management and its labor that by saying that this trains that run through my property some of the times they are only twenty, thirty and forty cars long and to add an extra expense onto them might

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prohibit them perhaps from closing that track some day. I also would say that this...that goes through my property, when I used to farm why I would be out there when a train would go by and never is a fire ever started that the caboose could see. The spark comes out of the engine and on a low humidity day it will start a fire but it is not right now. The train is probably four or five miles down the road before a fire is ever...you ever hardly see any smoke and I don't think it would be any safety factor there by saying a man in the caboose would notice the fire earlier. So I am opposed to the bill.

PRESIDENT: I recognize Senator Hannibal.

SENATOR HANNIBAL: Thank you. Mr. President, members of the body, I wasn't going to say anything about this because I thought that it would be a pretty clear cut issue but it appears that it is not. I would like to start off by saying that I truly believe that Senator Pappas and Senator Vickers are very sincere in their thoughts about this being a safety issue. I don't believe that they are trying to make this a management-labor issue. If I did, I would argue a little differently, but I do think that they think this is a safety issue. I don't believe that it is, however. I think we are going to have some problems when it comes time to vote, because it is. I would like to talk just a little bit about what Senator Clark said and emphasize one thing that this is an agreement between the railroads and the railroad workers that has been signed, ratified overwhelmingly on a national level. Now we are going to start talking about processes for taking off cabooses. Let me emphasize that there isn't a single caboose that comes off a single train in this state until all parts of the negotiation process have been completed. Union Pacific, any railroad coming through is not going to take off a caboose and then have to fight...have the unions fight to put it back on. They stay on automatically until it goes through a negotiation process between labor and management first if there is agreement. If there is not agreement there, then it goes through a mediation process between management and labor and then it goes, if it is not agreed there, it goes through arbitration process. All the time we are talking about the safety of the employees and the public being first and foremost in the minds of all these parties including the third party arbitrator. All the time this is happening there is no caboose that comes off. We have got a good method for keeping them on there right now and if at any point in time we have a situation where there is a safety factor brought up, the caboose stays on. This idea that the Union Pacific put out their notice to say that all these cabooses are going to come off by intent, anybody that has ever been

involved with negotiations understands that when you start a negotiation you start by saying, we want the employees to pay us for the job first and the employees say, we want you to pay us \$1000 an hour for the job first, and you come down from that. It is a bad argument to say that they are going to take all the cabooses off because in fact we know nobody really believes that they are going to. The bigger problem we have, of course, besides the safety factor, if it is a safety factor, we have got an interstate problem. There is only one state in this nation that does have a caboose bill like this, Oregon. We would have a massive problem if we were the only state right in the middle, the crossroads of the entire nation for our railroads east and west, to have them unhook and hook at every point they come in and out of this state. What we would really have, we would have re-routing around here if we were the only state. We would lose all the railroads around here. We would go north or south of us going east and west. But I think the biggest problem we have right now is there is a lot of votes on this floor I am afraid that are going to vote because it is a union vote and they are very concerned.....

PRESIDENT: One minute, Senator.

SENATOR HANNIBAL: ....about union participation in their campaigns. I think it is bad policy. It is very pragmatic, and I know I am going to take a lot of heat, but I am learning how to take that pretty fast it seems like. I think it goes a lot deeper than labor and unions, a union and management situation. I think if we are really going to talk about the safety factor of this thing, let's talk about safety. If you are going to vote labor management, realize what you are doing. Please kill this bill.

PRESIDENT: The Chair recognizes Senator Barrett.

SENATOR BARRETT: Thank you. Mr. President and members, I, too, decided not to speak on this issue until hearing some of the debate. I rise in opposition to the bill. This issue of caboose requirements is presently a matter involved in collecting collective bargaining. There is no question about it, and I don't think it is proper for the State of Nebraska to pre-empt current issues of collective bargaining. It is just that simple. There is a lot of confusion on the issue. Sides have been drawn between labor and management, and I am not sure that this body is in a position to handle this issue at this time. Therefore, I am offering today a study resolution co-authored by a number of other members of this body to send this subject to the Public Works Committee and direct that committee to make a thorough study and investigation

of this issue and return with a report to this body at some later date. I am simply advising the body that I will be offering that resolution today. Thank you, Mr. President.

PRESIDENT: The Chair recognizes Senator Doyle.

SENATOR DOYLE: Mr. Chairman, members of the Legislature, I, too, was not going to speak on this bill. We have heard talk today about pre-empting, about the Legislature not having any business or the State of Nebraska not having any business in pre-emption of areas of labor management relations. Well, that is an interesting observation, and probably that would be true if we were not talking generally about a safety matter. You know labor management relations and the outcome of contracts that are developed at various times depend on the relative bargaining power of the two parties involved. Now as Labor Commissioner in this State of Nebraska for four years, Senator Hannibal, and you are correct, you are going to probably take some heat, I have personally experienced situations where after a worker was killed in a ditch because the ditch caved in and we investigated the accident, the reason that was given why the ditch wasn't shored up as state law requires was because it is cheaper to take the...to go ahead and incur the Workmens Compensation cost than it is to shore up every ditch that we dig. Now if you tell me that that is an area in which the state has no responsibility, then I suggest that maybe we ought to take a look at all of our labor laws and all of our safety laws in the State of Nebraska. I don't believe you can sustain that position by any logic or in my opinion any rational position. Now whether or not this is a safety bill, I think that is really the question. But if you argue that even in areas of safety the State of Nebraska has no business then I suspect that we are barely emerging from the Dark Ages if you really believe that and I don't think anyone on this floor believes that particular argument. The real issue here is whether this is really a safety issue. I personally feel that it is. At least in those cases where we have a train that is a mile and a half long and the fact that other states don't have such a bill is not persuasive insofar as my experience is concerned as to whether it is right or wrong. The State of Nebraska probably has more coal trains rolling through the State of Nebraska, or through this particular state than any other state does coal trains or trains of this length, and we do have a unique situation. I suggest to you that the real issue you have got to decide is whether there is a sufficient public interest in the safety of the public and those who ride the trains and those who may collide with trains if you don't have someone at that crossing, and in the fires that are started. I think that is the real question here. But I

don't think we ought to use the emotional argument that the State of Nebraska has no business interfering in labor management relations when really we are talking about the potential of a safety situation. Thank you, Mr. President.

PRESIDENT: Thank you, Senator Doyle. The Chair would like briefly to interrupt the debate to announce that Senator Richard Peterson has guests in the north balcony, 35 Seventh Graders from the Sacred Heart School of Norfolk, Nebraska with Doug Zouche, teacher. Welcome to our proceedings. The Chair recognizes Senator Wittala.

SENATOR WITALA: Thank you, Mr. President. Mr. President and members of the Legislature, I would have to agree with Senator Hannibal's remarks. I think it is unwise to debate the nature of LB 179 in terms of labor management. I think we need to focus on the issue of safety and whether this bill brings more safety to the citizenry of Nebraska or whether it doesn't. I would like to remind the Legislature that Nebraska is a wide open country with thousands really of miles of tracks and that when there is an accident if the engineers are not fortunate enough to notice it, if it happens any where on the train behind the engine, there is a good chance it is not going to be noticed. I think the provision that there be a radio in a caboose is a very, very important item. I will never forget driving through Colorado once and following a train, a train that fortunately you know passed through a city, but there was a grain truck that couldn't stop, maybe because of its heavy load of wheat, and that train sheared that truck right smack in half and it took two miles to shut down that train. What I am saying is if that would have happened out in the country and if there wasn't any means of communication, if there is anyone to survive a train accident, that person would be just lying out there in the prairies to die, and that it is only the caboose that can give that kind of a notification when there is a wreck, when there is severe damage, when there is severe danger and it is only a radio controlled device as simple as a two-way radio that you put in your car that only costs \$50, or \$60 or \$70, that could communicate to a broader community to notify rescue teams to come and take care of the danger, whether it is fire or whether it is ambulance. I want you to think of a very simple law that we require when it comes to skiing, and I am talking about water skiing. We require an extra passenger in the boat that is towing the person that is doing the water skiing, and why do we do that? We do that because to steer that boat around blind with no consideration of what is happening behind leaves that person open to danger and we have recognized through long experience that a lot of times the person that is being towed behind a boat can fall on his

luck and the boat could just continue right on down the lake or the stream and that person could be destroyed either by oncoming boats or a whole host of other problems. I would submit to the Legislature the same thing is with a train except you are dealing with a heavier instrument and a longer instrument and that we need to consider some of these trains that I have waited for that are five minutes long, ten minutes long irrespective of the miles and that a lot can take place concerning that train in that period of time, and that no one would know any better if it weren't for the caboose. Members, I would hope that you would stick with the safety issue irrespective of what national unions have bargained away. Nebraska is known for its independence and for its objectivity and I think in this case let's just argue the merits of safety, and I think when it comes down to that the arguments fall in favor of LB 179. I would ask the Legislature to advance it. Thank you.

PRESIDENT: Amendment on the desk.

CLERK: Mr. President, Senator Vickers would move to amend LB 179. (Read the Vickers amendment as found on page 669 of the Legislative Journal.)

PRESIDENT: Senator Vickers.

SENATOR VICKERS: Mr. President and members, in a genuine effort to let this body know that Senator Pappas and I are talking about safety and not talking about trying to keep more railroad employees employed, and because of the concerns raised by Senator VonMinden and others of the small trains, and, Senator VonMinden, I apologize. I was informed that three engines would be considered a train. I guess I wouldn't call it a train but that is the technical interpretation. So the amendment that I am offering would simply say that if the train is under a thousand feet and I checked that out also to see if there were footage figures available to these people who were making up trains and they assured me that there are because of the differences in lengths of the cars so rather than putting a certain car number we are just talking about a thousand feet. So any train of under a thousand feet wouldn't according to state law have to have a caboose. Now that it seems to me indicates that it is our desire to talk about safety, it is our desire to talk about long trains crossing grade crossings where situations might develop where an accident could happen. Now I offer this amendment in good faith and I would hope that the body would adopt this amendment and simply move its adoption, Mr. President.

PRESIDENT: Order in the Chamber, please. We are discussing

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now the Vickers amendment. Senator Clark, did you wish recognition?

SENATOR CLARK: Yes, I would like a question of Senator Vickers, please.

PRESIDENT: Senator Vickers, would you answer a few questions, please.

SENATOR CLARK: Did I understand you to say that any train a thousand feet or under would have to have a caboose?

SENATOR VICKERS: No, if I said that, I didn't mean that. I meant as the amendment would be drafted it would be a thousand feet or over. A thousand feet and under would be excepted from the requirements of having a caboose.

SENATOR CLARK: You are talking about any trains with twenty cars, why don't you make it a mile, 5,280 feet? That is the ones you are worrying about. You are not worrying about the short trains.

SENATOR VICKERS: Isn't a thousand foot or under a short train, Senator Clark?

SENATOR CLARK: That is a short train, very short, and they already have them off of some of those. What I am saying is that if you are worried really about safety, I am sure they are not going to come off of mile long trains, why don't you make the amendment or I will change the amendment to 5,280 feet? That is a train that is a mile long. That is the ones that you are concerned about going through Nebraska. Is that right?

SENATOR VICKERS: Can I respond to that, Senator Clark?

SENATOR CLARK: Yes.

SENATOR VICKERS: Well, maybe your area of the state is a little different than mine. I know it is, as a matter of fact, it is a lot flatter and leveler out there than in the mini mountains where I live, but in the area of the state that I am at you don't have to have a train a mile long for the engine to not be able to see the back of the train or the back part of the train, I can assure you, and that is the safety factor that I am considering. I think that if the train is a thousand foot long or over, that there are many instances in many places in this state because of the topography, because of trees and many other things that the engineers or the people in the engine would not be able to see

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back past that thousand foot level on the train, so I would oppose making it a mile long. I don't think it has to be a mile long. I don't think that they can see back that far and in the interest of safety, I believe a thousand foot is a good compromise and a good figure. I am accepting to do this so that for those instances that Senator VonMinden pointed out when....

SENATOR CLARK: I don't want you to take all my time.

SENATOR VICKERS: Okay.

PRESIDENT: Order in the Chamber, please. Order in the Chamber.

SENATOR CLARK: What you are getting into now is labor relations negotiations, is that right? That is all you are getting into. How do I know whether a thousand feet is right or five thousand feet? I have no way of knowing, that's what the labor negotiations are all about. I don't think there is a person on this floor that can arbitrate this. They don't know anything about it. I certainly don't, and I am not going to get into labor negotiations. I don't know what is safe and what isn't. I assume some people do. That is why they go into labor negotiations. I think Senator Hannibal was right, we don't know anything about it and he knows something about labor negotiations in his business, for goodness sakes, but certainly I don't know anything about railroad negotiations. I don't think anyone in here knows about it. I think it is wrong that we do it and I am certain to be against this amendment because I don't think a thousand feet has any bearing...on the train has any bearing on it.

PRESIDENT: Do you wish to speak on the amendment, Senator Hannibal?

SENATOR HANNIBAL: Yes, Mr. President. I just wanted to ask a question because I don't know anything about car lengths. I was just asking a couple of people here how many cars that would be. Senator Vickers, do you know, I mean realizing there is differences in lengths of cars, but approximately?

SENATOR VICKERS: I would prefer Senator Pappas to answer that. He knows more about trains than I do.

SENATOR HANNIBAL: Senator Pappas.

SENATOR PAPPAS: Senator, more of your car lengths, your average car lengths is usually around fifty foot to eighty foot. When you are talking a thousand feet, you are talking around eighteen car lengths. I can speak from personal

experience when I worked on the railroad and at night when we are talking a thousand feet or less we are talking work trains, and work trains, basically what they do they do a lot of backing up and switching around grain elevators around the country in these small communities and every place else, and when they back up, these trains back up, the limit vision from the head of the train, the engine when they back up is roughly around a thousand feet. I can personally speak from personal experience when I was a fireman that we were backing up at night an 18 car train and that was about the limit of my vision and I think personally I can say I saved a person's life that started to walk in front of the train and the engineer could not see it from the other side.

SENATOR HANNIBAL: If you say though a car is 50 to 80 feet long and a thousand feet is only 18 cars, is the rest of it all engine, is that what you are referring to?

SENATOR PAPPAS: The engine would be part of the thousand feet.

SENATOR HANNIBAL: So you are only talking about 18 cars, around 18 to 20 cars.

SENATOR PAPPAS: Right, a work train. There is the short trains that Senator VonMinden was speaking about and there is short work trains that we are talking about and they go out to the country to haul our products away, our agriculture products away from the country elevators, supply small towns with equipment and products that they order that comes in on the rail freight line.

SENATOR HANNIBAL: Do they have to have cabooses on them right now all the time?

SENATOR PAPPAS: There are trains in the State of Nebraska right now running without cabooses.

SENATOR HANNIBAL: Is that legal?

SENATOR PAPPAS: According to what everybody said, no, because they have already stated the fact that it is going to be negotiated before they take them off and there is already cabooses running without it, so is that a labor negotiated item when they are already doing it?

SENATOR HANNIBAL: I don't know. You know more about this than I. I will... I thank you for your answer to my question but I would have to agree with Senator Clark that because I don't know anything about railroads I would have a hard time

arbitrating. That is what we have appointed arbitration people, third parties that are interested in the welfare of all the peoples they are representing including the people on the safety. That is why they are appointed and that is what this contract calls for that UTU signed already and I agree a hundred percent with Senator Clark that the state should not be in the negotiations. Let's just talk about the safety part of it and forget about the labor management negotiations in this bill.

PRESIDENT: Order, please. Senator Vickers, do you wish to close on your amendment?

SENATOR VICKERS: Very briefly, Mr. President. Once again, I would like to emphasize that this is an attempt to make certain that what we are talking about is safety issues and not trying to protect anybody's jobs. As Senator Pappas pointed out, many of the work trains of this length or less probably are operating in many cases without cabooses anyway because they are doing a lot of switching and I offer this amendment in good faith to indicate to this body that what we are talking about here is safety. Now, the issue as to whether this is negotiable, whether we should allow it to be labor management and stay out of it here is an issue that I guess each of us have to address ourself. But I would suggest to you that if through some labor negotiation act that those people that work in automobile plants would suddenly decide that there was a way they could manufacture cars without putting a tail light on the back, I don't think the state would say, well, it's all right, that is a labor management negotiation. We don't care if they have people on the assembly lines installing tail lights. We think it is a safety factor, we think we should have it, and we are going to require it by law. That is what LB 179 is all about. If there are certain things that we think are safety and we think we should require it by law and let labor and management negotiate how they address that law, then I think that is our duty and our right and I think we should do it. I urge the adoption of this amendment.

PRESIDENT: The motion is on the adoption of the Vickers amendment to LB 179. All those in favor vote aye, opposed vote no. 25 votes required. Motion is on the adoption of the Vickers amendment to LB 179. Please record your vote. Please record your vote if you care to vote. Have you all voted? Motion is on the Vickers amendment to LB 179. All those in favor vote aye, opposed vote no. Have you all voted? Clerk will record. Senator Vickers.

SENATOR VICKERS: Well, I hate to have to do this, but I guess I will have to ask for a Call of the House.

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PRESIDENT: The question is, shall the House come under Call? All those in favor vote aye, opposed vote no. Call of the House has been asked for. The question is, shall the House come under Call? Have you all voted? Clerk will record.

CLERK: 17 ayes, 0 nays, Mr. President.

PRESIDENT: The vote is in the affirmative and the House is under Call. All members take their seats, please. All members not in the Chamber please return to the Chamber. All members please remove themselves from the floor. Members please record their presence. A vote will be taken on the adoption of the Vickers amendment. Senator Vickers.

SENATOR VICKERS: I would accept call in votes, Mr. President.

PRESIDENT: Thank you very much. Call in votes will be accepted when we take the...the House is under Call. Call in votes will be taken. I guess you can go ahead and take call in votes. The House is under Call on the Vickers amendment. Please record your presence. On the amendments, Senator Haberman, we are talking about the amendments of Senator Vickers to the bill. Please record your presence.

CLERK: Senator Rod Johnson voting yes.

PRESIDENT: Senator Haberman.

CLERK: Senator Richard Peterson voting no. Senator Beutler voting yes.

PRESIDENT: The House is under Call. All members please record your presence. Call in votes are being taken. All members please return to the Chamber. The House is under Call.

CLERK: Senator Haberman voting yes. Senator Wesely voting yes.

PRESIDENT: Have you all voted?

CLERK: Senator Vard Johnson voting yes.

PRESIDENT: We are still under Call aren't we?

CLERK: Senator Barrett voting no.

PRESIDENT: What about the Call, Mr. Clerk? We have enough votes to resolve the issue. The Clerk will record the vote.

CLERK: 26 ayes, 14 nays, Mr. President, on adoption of Senator Vickers' amendment.

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PRESIDENT: The amendment is adopted. How back to the bill. Senator Pappas.

SENATOR PAPPAS: Is this for closing?

PRESIDENT: I see no other lights on the board, Senator Pappas, so without objection I will recognize you to close.

SENATOR PAPPAS: Okay, thank you.

PRESIDENT: All right, very well. Senator Pappas, there will be discussion I guess, so I will recognize you at this time if you care to be recognized.

SENATOR PAPPAS: Yes. I would like to answer a few questions that have been thrown out or little statements more or less, and one statement was thrown out earlier I think by Senator Peterson about the feather bedding aspect of the bill or job saving. It was testified in public hearing before the Public Works Committee, the railroads testified that they would... weren't going to remove any of the employees. Now this is what the railroad said. I didn't say it, the railroads said it. So you can't really call this a feather bedding bill because they stated in public hearing that they weren't going to remove any employees. We talked a little bit. There were some things about cost of transportation, transporting coal and corn around the State of Nebraska, about how it increased the price, you know, the hauler of basic commodities. If some people would like to look back, I think in the early sixties when the railroads removed the firemen off the train the transportation rate did not go down. When we get a substantial decrease in the price of fuel which these locomotives use, you do not see the transportation rates go down. They stay the same. Wyoming did, they introduced a bill late and it was stopped in committee. They have a short session. I think if they would have had time to go over it, it would have passed. Oregon still has a law which the companies have tried for three consecutive years to kill, which they haven't. We talked a little bit about the power of the unions. I kind of get a chuckle about this, the unions in political or election type processes. I might remind Senator Hannibal that I did not receive the endorsement of the unions. They did not ask me to carry this particular bill. I asked continuously to carry this bill for a long bill. In fact, I had to almost beg and plead to carry this bill, noncontroversial bill. When we were talking a little bit too about the people that fall asleep in the caboose, Senator Clark alluded to this and the person throwing out the fuses, that in my opinion is labor negotiation management. They should fire those people. They should remove them immediately because then they do not fulfill

the intent of the caboose on the safety factor. Those people should be removed. That is labor negotiation. We talked here a little bit ago about Nebraska, the Legislature shouldn't get involved in labor negotiating; management which is probably true but I am quite sure there is going to be some school teachers and public employees and courts of industrial relations and stuff that the Legislature has acted on in the last few years, might disagree with you when we talk about areas of labor negotiations. The Legislature does, one thing the Legislature does and should have and that is a deep seated concern for safety, and I think it is our responsibility to look for the safety of the people of Nebraska. With that, if there are other comments or questions, I will yield now. I'll be closing later.

PRESIDENT: All right, very well. Senator Clark.

SENATOR CLARK: I have to disagree on many of these things. I don't think it is a safety measure. I think the only safety measure involved has to be between the union and the management. Certainly railroads do not under any condition want unsafe trains. They have to pay the damage and don't tell me it is cheaper to pay the damage than to have the caboose. That is not true if you have seen these things. I think what we just did by putting the Vickers amendment on it still has nothing to do with labor relations and the national contract. The management will not be able to take them off under a thousand feet unless they go through negotiations which is the way it should be. But you are not doing anything. You are just saying anything over a thousand feet. That is 18 cars. I have never seen an 18 car train except on a short track. We have long trains going through my country. I just think the whole bill is wrong. It is unfair. I told Gordon McDowell that I was going to take this bill on for one reason, it is unfair. Labor wants something taken out of that national contract in Nebraska. Management is not asking to take anything out of that contract, only labor, and in fact there may be enough votes in here wired in or bought off to pass the bill, I don't know that. All I know is that I can live with myself if I know that this bill is unfair and I fight it that way.

PRESIDENT: The Chair recognizes Senator Hoagland. No. Senator Higgins.

SENATOR HIGGINS: Mr. President and members of the body, I would just like to correct one thing my good friend, Senator Clark, just said. He said, only a dummy wouldn't have safety measures because of what it would cost to have an accident. Let me tell you who the biggest dummies are, Ford Motor Company. Think about it. They figured out that it cost \$8 to move the

gas tank and then they did an estimate on how many claims they would have from people that might possibly be injured or killed by those little Pintos, and they made the decision, to heck with safety, it is cheaper to leave it the way it is. So I guess Ford Motor Companies are the biggest dummies I ever heard of because I think it ended up costing them a lot more not to create or design a car for safety but rather for economical reasons. This is what we are talking about here this morning, safety versus economics. If you notice, the people that are against this bill are the ones that I might say are economically safe themselves, but it comes to safety, I think I would put that above and beyond any kind of labor negotiations. So I just want to point out that companies do make decisions based upon cost and ignore the safety factors. Thank you, Senators.

PRESIDENT: Senator Howard Peterson.

SENATOR H. PETERSON: Mr. Chairman and members of the Legislature, I would just raise this question of safety because as I look at this bill and you look at one fact that has been brought up this morning is fire. Who ever sitting in a caboose saw a fire fast enough to do anything about it? The train is past, the fire is there. You can't even see the fire until probably three or four or five minutes after the spark is out there. It takes a long time for that fire to get started and I think that is just a false issue that has been brought before this legislature.

PRESIDENT: Senator Doyle.

SENATOR DOYLE: Mr. President and members of the body, I am going to take the opponents of the caboose bill to heart and if they are really sincere about economical transportation of commodities, I am going to be very interested in what their arguments will be when it comes to the question of a coal slurry line, and I am going to be interested in what their arguments will be at that time, because if we want to talk about competitive or economical transportation of commodities, then maybe we ought to be anticipating how they might respond to that particular situation when it comes up before this body. I am not going to comment on how I might vote on that particular issue but I am going to again say that contrary to what some people may allege, my vote has been bought off. It has been bought off by the people that I have seen killed in ditches because employers were dumb enough not to shore up a ditch and it wasn't a matter of labor negotiations. It wasn't a protected area, but the state did step in and protect those people. I have seen people electrocuted because there was not adequate protection for that employee, and I have seen law

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sulls and I have testified as an expert witness as a Commissioner of Labor in those cases. Believe me, the state does have a role and responsibility to protect the lives and the safety of the people in a work environment and it goes beyond labor negotiations. It goes beyond...it gets into areas of minimum wage. It gets into hours of work, conditions of employment. The state specifies these work conditions. The state does not get into these areas, so it is a false argument, it is a red herring, a straw man saying this is an area for labor negotiations. It is not. It is pure and simply a question of safety however we wish to characterize it, and I hope we can strip away the emotionalism and deal with it on that particular issue. And if we are talking economics, then maybe we can deal with that in the coal slurry pipeline in the future. Thank you, Mr. President.

PRESIDENT: The Chair would interrupt debate to announce a guest of Senators Kahle and Lundy in the Chamber, a member of the Legislative Committee of the Chamber of Commerce of Kearney, Nebraska, Mr. Harry Sherman. We welcome him. The Chair recognizes Senator Hefner.

SENATOR HEFNER: Mr. President and members of the body, I rise to oppose this bill. I think we are on the bill, aren't we?

PRESIDENT: Yes.

SENATOR HEFNER: As amended, and the reason I oppose it is because I think the railroads are doing a good job in operating their system. If they want to use the cabooses, well let them use it, and if they don't, why let them take it off. I don't think that the proponents of this bill have shown us that the loss has been extraordinary heavy, and so I guess I would just say to you this morning I don't think we need this bill, nor do I think we should legislate management, and, therefore, I would urge you to vote against the bill.

PRESIDENT: The Chair recognizes Senator Hoagland.

SENATOR HOAGLAND: Question.

PRESIDENT: The question has been called for. Do I see five supporting hands? The Chair does. The question is, shall the debate now close? All those in favor vote aye, opposed vote no. The question has been called and the vote is on the question of shall the debate cease. Please record your vote. The question is, shall the debate now close? Please record your vote. The question is, shall the debate now close? Please record your vote. Have you all voted? Have you all voted? 25 votes required to close debate. Have you all voted? Clerk, record.

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CLERK: 16 ayes, 15 nays to cease debate, Mr. President.

PRESIDENT: The vote is in the negative. The debate will continue and the Chair recognizes Senator Hannibal.

SENATOR HANNIBAL: Thank you, Mr. President. I promised (recorder malfunctioned) my red votes not to take very long, and I won't. I want to make just a couple of points. First of all to clarify what Senator Witala...I think he had me confused with Senator Doyle when he was talking about arguing on safety only. I am not arguing on safety only. As a matter of fact, what had been put out here and I think they have done a very good job of pushing this legislation out in the interest of public safety only. I resent very much the implications that I or anybody else in this room is not interested in the safety of the State of Nebraska or the citizens of the State of Nebraska. I am very much interested in that. I also resent very much the implications that some of us who have been speaking against this bill have been bought off by big industry. In fact, I think there could be an argument made just the other way. This is not a safety issue. It is strictly a management labor issue. If you want to vote for it on a safety and you think it is safety, that is fine, I have no argument with that. If you are going to vote on it for what it really is in my estimation, a labor management situation that has already been set up, that is a whole different story. I think Senator Hefner pointed out we have a good railway industry in this state. We really don't have a problem. Certainly we have had problems. We have problems in every area where you have some accidents, where you have some people that lose their lives or are injured. You can't say as you start talking...Senator VonMinden tried to make a point once that, yes, you do put a price on human life, and he has been regretful of that all the time, because nobody wants to put a price on human life. This is not a safety issue. It is a labor management issue. It is a precedent setting bill, and I really urge that you defeat it.

PRESIDENT: The Chair recognizes Senator Sieck.

SENATOR SIECK: Yes, Mr. President and members of the body, I was going to call for the question but I think now that I should say something about this bill. I was supporting this bill a year ago and I still support it even though I have been lobbied pretty heavy from the railroad. I feel, and I had a son-in-law who was almost killed by a train accident. His truck run into the side of a train. How was the area to know what happened unless that caboose was there? To me it is very, very important to have that caboose at hand. His life was saved but it was almost not. And as I hear the Pleasant Dale Volunteer Firemen talk, for some reason they are



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Informed, even if Senator Peterson says they are not, but they are informed some way or another because they come upon that fire pretty quickly after the railroad goes, or the train goes through. So somebody informs them through short wave radio or something, and I am sure that they could call Lincoln and call back to Pleasant Dale and get it there in a hurry, I mean, I am sure of that. So that caboose can see a spark and notify that train. And I also know that sometimes the train even stops because it was alerted of a danger. So I just feel, maybe it is a labor negotiation, but I want to be sure that we have this safety element there and that is that caboose. And I urge you to support this bill.

PRESIDENT: Senator DeCamp. Well we tried that a while ago. I would like to hold your request in abeyance a moment to ask... Senator Wittala, do you have something to say? Nothing. Is there further discussion? Senator Pappas, I will recognize you to close. Just a minute. Go ahead.

SENATOR PAPPAS: Mr. President, I would like to yield part of my time for closing to Senator Vickers.

PRESIDENT: Very well. The time is in the hands of Senator Pappas, five minutes. Senator Vickers.

SENATOR VICKERS: Thank you, Mr. President. Mr. President and members, I hope that we have not, those of us that are supporting this bill have not indicated that if you don't support this bill, you are not interested in safety and if we have, I personally apologize for that, Senator Hannibal. I am sure that everybody in this body is interested in safety. I think that the intent that we have all got is to address that issue. As to how we address that issue, that is where the differences lie. I personally believe that we are responsible, therefore, we need to address it through legislation such as LB 179. By the same token, I would like to point out that those of you who are on the opposite side of LB 179 would not perhaps feel as Senator Clark indicated that those people who are on this side have either been wired or bought off. I don't think that is true. I personally take affront at that just a little bit because I think most of you that have been in here a while recognize that that is not the way I operate. I happen to think it is a safety issue. I believe that. I believe that is all LB 179 addresses, and I don't believe a vote for this bill is a vote against private industry, private enterprise in any way, shape or form. I agree with the remarks made by Senator Doyle. I think there comes a time when the statutes have to say certain things that maybe might not happen, maybe might not take place if we leave it up entirely to those negotiations between management and labor, and I believe that time is here, and I believe that LB 179

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addresses that. I would give the rest of this time in closing to Senator Pappas, Mr. President.

PRESIDENT: Senator Pappas.

SENATOR PAPPAS: Thank you, Mr. President, and colleagues, I will make one short point out that this is a safety brochure, safety brochure pamphlet put out by the railroad companies talking about railroad safety. In it, it says that a 150 car freight train moving at 40 miles an hour needs one mile to stop. So on basic deductions going any faster, and it's a little shorter, it is going to take roughly a mile or better for the train to stop. Before we vote, and I have said, to back up just a hair, I have said earlier that the railroads do run a good organization. They have a good safety record but I don't think that we should remove the cabooses and see if the safety record goes down hill, then talk about putting them back on at a later day at the expense of public safety. But if this train, this 100 car train or more, if it by chance at some time is going across the State of Nebraska, hits a truck, a car or a school bus, the front end of the train hits it, when it hits it and there are injured people it is going to take a mile to a mile and a half for this train to stop. Now when this train stops and there are injured people laying by the track in the car or the truck or the school bus, what do you want on the back of that train? Do you want a caboose that is manned, or do you want nothing and wait possibly for ten, fifteen minutes for somebody from that head end of that train to get back? With that, I move to advance the bill.

PRESIDENT: The motion is to advance LB 179 to General File. All those in favor vote aye, opposed vote no. The motion is to advance LB 179. Please record your vote. Motion is to advance LB 179. Please record your vote. All those who wish to vote please record your vote on the advancement of the bill. Have you all voted? The question is the motion to advance LB 179. Have you all voted? Have you all voted? Clerk will record. Record vote requested. A record vote has been requested.

CLERK: (Read the record vote as found on page 669 of the Legislative Journal.) 26 ayes, 16 nays, Mr. President.

PRESIDENT: The motion carried. The bill is advanced. Senator Nichol.

SPEAKER NICHOL: Mr. President and members of the Legislature, Senator Warner advised me that he does have those appropriation bills now, so I would suggest we take them.

the main track not less than five minutes before the time table schedule leaving time or train order waiting time of first class trains moving with the current of traffic on same track. Work extras will be governed by train orders with respect to other work extras within their working limits.

S-87(A). An inferior train must keep out of the way of opposing superior trains and failing to clear the main track by the time required by rule must be fully protected.

S-87(B). Unless otherwise provided, extras will be governed by train orders with respect to work extras and opposing extras.

S-87(C). Unless otherwise provided, work extras must protect themselves against extras in both directions and will be governed by train orders with respect to other work extras within their working limits.

88. A train required to take siding must stop clear of the switch to be used unless switch is properly lined to leave main track, and must head in when practicable. If necessary to back in, or back out, the movement must be fully protected by a flagman, unless authority for occupancy and protection on the main track is otherwise provided.

S-88. At meeting points the inferior train must take the siding, unless otherwise provided.

At meeting points established by Form S-A train order, the order must specify which train will take the siding.

At meeting and passing points between extras and work extras, the work extra must take the siding, unless otherwise provided.

S-89. At meeting points fixed by train order:

(Revised 10/31/77)

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The train holding main track must stop at the clearance point of the siding switch to be used by the train to be met, unless train to be met is clear of main track and switch is properly lined. A train standing on main track to meet an opposing train must be protected, if practicable, by lining the switch for opposing train to leave main track; but within ABS limits the switch must not be lined until the opposing train has entered the block in advance.

90. When a train approaches a point where it is to wait, meet, or be passed by another train, or is restricted in any manner by train order, the conductor must call attention of engineman to restriction by radio, if available, not less than two miles from point of restriction. On passenger trains, if radio communication is not available, conductor must sound signal 21(H) not less than two miles from point of restriction, and engineman must answer by whistle signal 19(F). In any case, should the engineman fail to act to comply with restriction, the conductor must stop the train.

91. Unless some form of block system is used, a train must not follow another train which has passed or a train which has been overtaken until ten minutes after the preceding train has departed.

92. A train must not leave a station in advance of its schedule leaving time.

93. Within yard limits, on single track, and for movements with the current of traffic, trains and engines may use main track, not protecting against extras, work extras, or engines, but must give way as soon as possible upon their approach. Engines and inferior trains must clear the main track at the time a first class train is due to leave the next station in the direction from which the first class train is approaching where time is shown. In case of failure to clear the main track by the time

27

(Revised 10/31/77)

944. If grade is such that train slack may roll out, trainmen must apply a sufficient number of hand brakes or retainers on the rear cars before train brakes are released. Hand brakes or retainers will be released as the train is started.

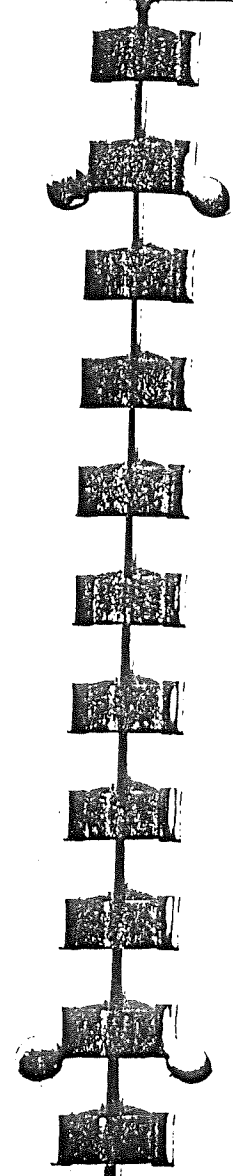
945. Unless otherwise specified, engine brake pipe pressure will be set as follows:

Passenger engines .....	110 pounds
Freight engines .....	90 pounds
Switch engines .....	80 pounds
Transfer engines .....	80 pounds

946. To insure proper operation of the brakes, all angle and cut-out cocks in the brake pipe must be fully open from the engine to the last car. When angle cocks are open, the handles stand straight (parallel with the pipe), and when closed the handles stand crosswise (at right angle with the pipe). The handles on cut-out cocks stand at right angle to the brake pipe branch pipe when open and parallel with the pipe when closed. When an engine is being coupled to a train or cars with the brake system charged, angle cocks must be opened slowly to prevent an emergency application and the automatic brake valve handle of the controlling engine should be in running position.

947. Trainmen must observe the caboose gauge frequently especially when operating on descending grades. When radio is available trainmen on rear of train must advise the engineman of any abnormal changes in brake pipe pressure. Engineman should also be advised when the air brakes release on the caboose.

Any malfunction of the caboose gauge will be reported by conductor to the mechanical supervisor at the next maintenance point.



948. The rotary type brake valve on cabooses must be used only when a rear end train brake application is necessary, and when used must be held open until train is stopped.

When an emergency brake application is necessary any valve or angle cock may be used.

Do not attempt to stop train suddenly unless an emergency exists.

When communication has been established with the engineman and there is a definite understanding, the caboose valve may be used to stop a backward movement upon request by the engineman, and the caboose valve must not be closed until instructed by engineman.

949. The backup hose or brake valve on a car provides a means for the application of brakes from the rear of cut of cars or train. After attaching a backup hose, make a sufficient discharge of air to insure the angle cock is open. For a service brake application, the valve should be opened slightly, yet fast enough to apply brakes gradually, increasing the valve opening until the desired holding force is obtained. The engine automatic brake valve must be left in "running" position. The discharge of brake pipe pressure at the rear must be continuous to maintain the brake application. Rapid opening of the backup hose or brake valve will cause an emergency application.

When movement is started, an application of the brakes must be made to determine the holding force. If such an application is not made within 500 feet, the engineman must stop the movement.

950. Should air compressors fail or for other reasons it is impossible to control train brakes from the engine, train and engine must be placed on

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GENERAL ORDER NO.181

Kansas City, Kansas  
August 8, 1983

ALL SUBDIVISIONS.

## ALL CONCERNED:

Effective August 15, 1983, Air Brake Rule 61.A.4. is revised to read as follows:

## "61.A.4 Starting Back-up Movement.

To avoid excessive buff forces when backing, the total tonnage, length, position of heavy and light cars, the location number and type of locomotives in engine consist, number of axles in power, grade conditions, track curvature and turnouts must be considered to insure against buckling or jackknifing of train. Communications with trainmen at the rear is essential to safety.

High buff forces are concentrated at the head end when a back-up movement is started. The engine can develop enough force to cause locomotives and cars to jackknife. The heavy lateral force resulting from jackknifing may overturn a rail on tangent track or push cars off the outside of curves.

More buff force is required to start a long train than a short train.

Heavy trains require more force than light trains. More buff force is required to start a back-up movement on an ascending grade.

Track curvature causes more resistance which requires higher starting force.

a. Trains or cuts of cars must be started in the following manner on level, undulating or ascending grades:

(1) Allow sufficient time for air brakes to release before applying power.

(2) Use only enough power to start the engine and keep it moving very slowly until the entire train or cut of cars has started.

ALL SUBDIVISIONS

ALL CONCERNED:

- (3) Observe the load meter and note slight variations in current as slack closes and all of the train or cut of cars is started. Watch for any unusual changes in amperage which may be the result of cars buckling. If this occurs, promptly apply the independent brake and close the throttle.
- b. A short back-up move in a descending direction must be started in the following manner:
    - (1) Make minimum automatic brake pipe reductions to apply the air brakes with just enough force to hold the train or cut of cars on the grade.
    - (2) Release the engine brakes, leaving train brakes applied.
    - (3) Use just enough power to move the engine very slowly until the entire train has started.
  - c. A back-up move in a descending direction must be started in the following manner:
    - (1) With the train or cut of cars stretched, release enough engine brake to permit the movement to start, maintaining sufficient engine brake to maintain slack in a stretched configuration.
    - (2) As speed increases, use the dynamic brake and automatic air brakes as required."

J. E. HARE

## THE SAFETY APPLIANCES ACTS

### BACKGROUND

45 U.S.C. sections 1 through 16, known collectively as the Safety Appliances Acts, are, actually, the codification of four separate enactments. Sections 1 through 7 were promulgated on March 2, 1893; sections 8, 9, and 10, on March 2, 1903, with section 9 undergoing significant amendment in 1958; and sections 11 through 16 which were enacted in 1910.

Sections 1 through 7 of the Acts provide that all locomotives and trains are to be equipped with power brakes so that brakemen will not be required to use the hand brake for the purpose of controlling the speed of trains; that all cars must be equipped with automatic couplers so that cars may be coupled automatically by impact, and uncoupled without the necessity of men going between the ends of the cars; and that all cars must be equipped with secure grab irons and handholds on their sides and ends for use in coupling and uncoupling. These sections also provide for the imposition of penalties for non-complying carriers, and specifically exclude any assertion of the defense of assumption of risk against railroad employees who are injured in accidents involving non-complying railroad equipment.

Sections 8 and 10 deal with the extension of the provisions of sections 1 through 7 relating to safety devices to all railroad cars used in interstate commerce as that term is defined in section 8, and the continuation of the duties and obligations of the United States Attorney and the Secretary of Transportation as set out in

sections 1 through 7.

Section 9 deals with power brake systems and authorizes the Secretary of Transportation to set minimum percentages of power braked cars on any train. This section also provides that the Secretary shall fix the rules, standards, and instructions for the installation, inspection, maintenance and repair of power and train brakes, with the proviso that any changes in the rules must be for the sole purpose of achieving safety.

Sections 11 through 16 were enacted to standardize the use and placement of the safety devices required by the preceding sections of the Act. (Cong. Rec. 160 (Dec. 15, 1909).) At the time of passage of sections 11 through 16, and for many years prior thereto, the various railroads had different methods of equipping their cars, and frequently the same railroad did not equip all its own cars in the same manner, such that practically every train on every railroad had several places and methods for the various devices and appliances necessary for the use of railroad employees. The results of this arrangement caused injuries to hundreds of switchmen and other railroad employees, as well as to many travelers. (H.R.Rep. 61-37, 61st Cong., 2d Sess. at p. 1 (1909).

The hearings on sections 11-16 disclosed that many attempts had been made by the railroads to agree upon a uniform method of equipping their cars with the safety appliances mandated by the provisions of this title. (H.R.Rep. No. 61-37 at p.1.) It appeared to Congress, however, that such needed agreement by the various railroads was not likely to be forthcoming. (H.R.Rep. No 61-37 at p. 1.)

These sections were passed, then, empowering the Interstate Commerce Commission (now FRA), after hearing and investigation, to promulgate a uniform system of equipment, and compelling the carriers subject to the Act to equip their cars in accordance with the determination made by FRA. Under the authority granted by this Act the ICC (now FRA) has fixed by order the standard height of drawbars on freight cars, and the number, dimension, location and manner of application of the other safety appliances required by law. Additionally, in case the orders of the FRA are not observed, the Act provides that the carriers in violation thereof shall be subject to a penalty.

#### LEGISLATIVE HISTORY

45 U.S.C. 1-7:

Senate: S.Rep. No. 52-1049, 52d Cong., 1st Sess. (1893).

House: H.R.Rep. No. 52-1678, 52d Cong., 1st Sess. (1893).

Enacted: March 2, 1893; 27 Stat. 531.

45 U.S.C. 8 and 10:

Senate: S.Rep. No. 57-1930, 57th Cong., 1st Sess. (1903).

Enacted: March 2, 1903; 32 Stat. 943.

45 U.S.C. 9:

Senate: S.Rep. No. 85-568, 84th Cong., 1st Sess. (1957).

House: H.R.Rep. No. 85-1205, 85th Cong., 1st Sess. (1957).

Enacted: April 11, 1953; P.L. 85-375.

45 U.S.C. 11-16:

House: H.R.Rep. No. 61-37, 61st Cong., 2d Sess. (1909).  
Cong. Rec. 159-161 (Dec. 15, 1909).

Senate: S.Rep. No. 61-250, 61st Cong., 2d Sess. (1909).  
Cong. Rec. 2158, 2159 (Feb. 21, 1910).



Conference: H.R.Rep. 61-932, 61st Cong. 2s Sess. (1910).  
Cong. Rec. 4216-4217, 4242-4243 (April 4, 1910);  
4256-4257 (April 5, 1910); 4377-4378 (April 7,  
1910).

Enacted: April 14, 1910; 36 Stat. 298.

#### SECTION-BY-SECTION ANALYSIS

45 U.S.C.

1 Brake systems:

All locomotives used in interstate commerce by common carriers must be equipped with a power driving-wheel brake and appliances for the operation of the train-brake system. Additionally, a sufficient number of cars in each train must be equipped with either power or train-brakes, so that the engineer can control the speed of the train without requiring the brakemen to use hand brakes for that purpose.

Discussion:

The purpose of this section is twofold. First, it was intended that the locomotive engineer should be able to control the speed of trains from the locomotive. Second, it was to relieve the brakemen from the exposure to danger when they climbed to the top of a moving train to operate a hand brake. (H. R. Rep. No. 52-1678, 52nd Cong., 1st Sess. at pp. 4-5 (1893).

2 Automatic couplers:

Each and every train used by a common carrier in interstate commerce must be equipped with automatic couplers which can be coupled automatically on impact, and uncoupled without requiring people to go between the ends of the cars.

Discussion:

The purpose of this section was to eliminate the danger inherent in the old-style link and pin couplers, where it was necessary for men to go between the ends of cars to couple and uncouple them, and where the cars, when coupled to a train, sometimes separated because of the insecurity of the coupling system. (H. R. Rep. No. 52-1678 at p: 3).

3

Right to refuse insufficiently equipped cars:

A carrier, whose cars are equipped in accordance with the provisions of section 1, above, may refuse to accept from connecting lines or from other shippers any cars not equipped with such power or train brakes which may be readily interchanged with the brakes in use on its own cars.

4

Grab irons or handholds:

Secure grab irons or handholds are required on the ends and sides of each railroad car used in interstate commerce.

Discussion:

This section requires grab irons or handholds at those points at the ends and sides of each car where necessary to afford to people coupling and uncoupling cars greater security in the performance of their jobs. (H. R. Rep. No. 52-1678 at p. 5).

5

Height of drawbars; exclusion for non-compliance:

Freight cars which do not comply with the prescribed standard for the height of drawbars may not be used in interstate commerce.

6

Penalties:

Any common carrier who operates in interstate commerce any locomotive or any car in violation of the provisions of sections 1 through 7 of this title is liable to a fine of not less than \$250 and not more than \$2,500 for each violation.<sup>1/</sup> The United States Attorney is charged with bringing suit against any carrier, upon verified information alleging such violations. Moreover, the Secretary of Transportation is required to file with the U.S. attorney any information of such violations which comes to the attention of the Secretary. However, nothing in sections 1 through 7 of this title applies to trains composed of four-wheel cars, or

<sup>1/</sup> The penalties were increased by the Federal Railroad Safety Authorization Act of 1976. See p. 22.

to certain logging cars, or to locomotives used exclusively for hauling such exempted logging cars.

7 No assumption of risk by employees:

Any employee of a common carrier who is injured by a locomotive, car or train in use in violation of sections 1 to 7 of this title, shall not be deemed to have assumed the risk occasioned thereby, even though the employee continues working after acquiring knowledge of the violation.

Discussion:

This section is encompassed in the Federal Employers' Liability Act which prohibits the defense of assumption of risk where there is an injury resulting from a violation of any railroad safety law.

8 Extension of certain provisions:

The provisions of sections 1 to 7, relating to couplers, train brakes, grab irons, and height of drawbars are held to apply to all cars used by common carriers in interstate commerce, which includes the Territories and the District of Columbia, except those coming within the provisions of section 6, above, or which are used upon street railways.

Discussion:

This section has two principle purposes: first, to extend the Safety Appliances Act to railroad traffic in the District of Columbia and the Territories; second to remove any doubt as to the meaning of the term "cars", by extending the language of earlier sections to include all locomotives, tenders, cars and similar vehicles used in connection therewith. (S. Rep. No. 57-1930, 57th Cong., 1st Sess. at p. 4 (1903)).

9 Power or train brakes; operation, installation, inspection, maintenance and repair:

This section contains two basic requirements. The first part, enacted in 1903, requires that any train which has power or train

brakes shall have brakes on at least 50% of the cars on such train. In 1958, the law was amended by incorporating all of the rules and standards of the Association of American Railroads relating to the installation, inspection, maintenance and repair of power or train brakes. The Secretary of Transportation was given authority to change such rules by regulation provided that they "shall be promulgated solely for the purpose of achieving safety."

Discussion:

The first requirement in this section, that any train operated with power or train brakes shall have such brakes on 50% of the cars, was enacted because there were a number of problems with the 1893 law, (45 U.S.C. 1), requiring trains to have a sufficient number of cars equipped with power or train brakes. In 1910, the ICC increased to 85% the percentage of power or train brakes required. Subsequent orders, with certain exceptions, require the installation of power brakes on all cars. In addition, the law requires all the brakes to be operative.

Before 1958, the federal government had the responsibility of enforcing the power or train brake provisions of the Safety Appliances Acts, but there was no authority to prescribe regulations for the installation, inspection, maintenance, and repair of such brakes. To assure compliance with the law, Congress felt that some method must be adopted to determine if each such brake is operative, and, in addition to the railroads' poor safety record, this led to the passage of the 1958 law. (H. R. Rep. No. 85-1205, 85th Cong., 2d Sess., 1958 U.S. Code Cong. and Adm. News at pp. 2343-5).

In 1925, the ICC and the Association of American Railroads formulated a code of rules for maintaining and testing air brakes. Such code represents the minimum requirements for inspection, maintenance, and repair of train brakes, which was last revised in 1953. In 1957, the House Committee on Interstate and Foreign Commerce found that there was widespread non-compliance with these rules, particularly with respect to train-brake inspections. (Id. at p. 2344). The Committee reprinted an ICC Report that stated it was apparent that the carriers are either unable to enforce their own rules or are deliberately ignoring minimum requirements for safety. (Id. at p. 2345). Rather than relying on the expertise of the ICC (FRA), Congress decided to require the ICC to incorporate all of the existing rules of the AAR containing the standards for maintenance and inspection of power brakes, and in so doing, limited authority to change rules to those "solely for the

purpose of achieving safety." The Association of American Railroads, in opposition to this legislation, argued that the legislation would have the effect of shortening the length of trains, thereby increasing the number of train and engine crews, and would also increase the number of inspectors that must be employed by both the railroads and the federal government. (Id. at p. 2344).

In 1970, the Federal Railroad Administration prescribed regulations which had the effect of reducing the number of brake tests and inspections previously required. The rule-making was challenged before a three Judge District Court in the United States District Court for the District of Columbia, in United Transportation Union et al. v. U.S. et al., 337 F.Supp. 410, aff'd 406 U.S. 964 (1972). The Court held, in a 2-1 decision, that the regulation was valid. The Court relied on the fact that the FRA's hearing examiner concluded that train operation safety would be increased by a rule, together with its strict enforcement, that required high-quality inspection and testing of brakes at initial terminals and at intermediate 500-mile points by qualified personnel where adequate car repair facilities were available. The Court further stated that the fact that the proceedings were initiated by the railroads for economic reasons does not undermine the legal effect of the hearing examiner's findings.

10

Continuation of former obligations:

Unless specifically amended by sections 8 or 9 of this title nothing in those two sections shall relieve any common carrier, the Secretary of Transportation, or any United States Attorney from any of the provisions of sections 1 through 7 of this title.

11

Mandatory safety appliances; exceptions:

All cars must be equipped with secure sill steps and efficient hand brakes; all cars requiring secure ladders and secure running boards shall be so equipped, and all cars having ladders shall also be equipped with secure handholds and grab irons on their roofs at the tops of such ladders.

However, in the loading and hauling of long commodities, requiring more than one car, the hand brakes may be omitted on all

save one of the cars while they are thus combined for such purpose.

Discussion:

The obvious intent of this section was to augment the list of safety appliances already required by the preceding sections of this title. (Cong. Rec. 160 (Dec. 15, 1909).

12 Designation by Secretary as to standards of equipment:

The Secretary of Transportation shall designate the number, dimension, location, and manner of application of the safety appliances provided for by sections 4 and 11 of this title, and such designation shall remain as the standard of equipment unless and until changed by the Secretary after full hearing and for good cause shown. Additionally, the Secretary is given authority to fix the requirements as to the height of drawbars.

Failure to comply with any of the requirements set by the Secretary shall be subject to a like penalty as failure to comply with any of the other provisions of sections 11 through 16 of this title.

Discussion:

By vesting in the Secretary of Transportation the authority to fix standards for safety appliances, Congress sought to make uniform the utilization of such required equipment, to better assure safe operations. (Cong. Rec. 160 (Dec. 15, 1909).)

13 Penalties:

Any common carrier using any car not equipped as provided herein shall be liable to a fine of not less than \$250 nor more than \$2,500, to be recovered as provided in section 6 of this title.<sup>2/</sup>

However, where a car has been properly equipped, but such equipment becomes defective while the car is in use by the carrier,

<sup>2/</sup> The penalties were increased by the Federal Railroad Safety Authorization Act of 1976. See p. 22.

such car may be hauled from the place where the defect in the equipment was first discovered to the nearest available point where the car may be repaired, without liability for the penalties provided for above, but only if such movement is necessary to effectuate repairs and if such repairs cannot be made at the place where the defective equipment is first discovered.

Moreover, any carrier hauling a defective car to a place where it might be repaired, shall do so at its own risk, and nothing in this section shall be construed to relieve the railroad from any liability in a remedial action by any employee injured or killed in connection with the movement of a defective car.

Defective cars may not be hauled by means of chains, but, unless the car contains livestock or perishable goods, drawbars must be used for this purpose.

Discussion:

The exception from the penalty provisions of the Act for the hauling of defective cars to a place where they might be repaired is intended to operate only where it is necessary for the car to be hauled because it cannot be repaired at the place where the defect is first discovered. However, Congress was clear in its intention that the carrier shall assume full responsibility for the injury or death of any employee engaged in, and caused by the hauling of such defective cars, it being felt that participation in the hauling of such cars was peculiarly dangerous, perilous work. (S.Rep. No. 61-250 at p. 3-4.)

Liability for using cars with defective equipment:

Except as specified in section 13, above, movement of a car with defective equipment may be made without incurring the penalty provided by the statutes, but shall in all other respects be unlawful.

Enforcement by Secretary:

The Secretary of Transportation is charged with the responsibility of enforcing the provisions of sections 11 to 16 of this title as they relate to the equipment of each car with the required safety appliances.

Discussion:

The purpose of this section is in accord with the general intent of this title, that is, to standardize the safety appliances with which each car must be equipped by centralizing in the Secretary of Transportation the responsibility for enforcement of those standards. (Cong. Rec. 160 (Dec. 15, 1909).

16 Application of provisions:

The provisions of sections 11 to 16 of this title apply to all carriers and every vehicle subject to the Safety Appliances Acts set forth in sections 1 to 10 of this title.



specify such reasonable time within which the improvement shall be completed as may be appropriate under the circumstances.

(c) Deviation from the provisions of this order may be authorized by the commission for any specific installations for good cause upon application by a railroad, which application shall include a full statement of the conditions which prevail at the time and place involved and reasons why deviation is deemed necessary. (Authorized by K.S.A. 66-141, 66-156; effective, E-71-15, March 5, 1971; effective Jan. 1, 1972.)

**82-5-10. Speed restrictions.** Whenever a railroad deems it necessary to protect the movement of trains by placing a speed restriction on a portion of trackage, and the speed restriction remains in force over sixty (60) days, the existence of the speed restriction must be reported to the commission, the reasons stated for the speed restriction and the reasons why corrective action has not been completed. (Authorized by K.S.A. 66-141, 66-156; effective, E-71-15, March 5, 1971; effective Jan. 1, 1972.)

**82-5-11. Regulation relating to transportation of hazardous materials.** (a) When the track condition on any railroad makes the transportation of explosives and other dangerous articles hazardous, restriction of the movement over said track may be imposed by the state corporation commission until track conditions are corrected or a satisfactory alternate route is available. (Authorized by K.S.A. 66-141, 66-156; effective, E-71-15, March 5, 1971; amended, E-71-22, May 28, 1971; effective Jan. 1, 1972.)

**82-5-12. Regulations relating to the filing of rules and regulations of the operating departments of railroad corporations.** (a) Each railroad corporation operating in the state of Kansas shall file with the commission, the existing rules and regulations of the operating department and any future changes or revisions thereof in accordance with the provisions of the following paragraphs:

(1) The rules and regulations of operating departments presently in effect on any railroad operating in the state of Kansas shall be filed no later than 60 days from the effective date of this order and rules.

(2) Each railroad operating in the state of Kansas shall file with the commission any change or reissue, either in whole or in part,

of the rules and regulations of the operating department within 30 days after any change or reissue. (Authorized by K.S.A. 66-141; effective, E-71-15, March 5, 1971; amended, E-71-22, May 28, 1971; effective Jan. 1, 1972.)

#### Article 6.—SUPPRESSION OF DIESEL LOCOMOTIVE ORIGINATED FIRES ON RAILROAD RIGHT-OF-WAY

**82-6-1. Definitions.** The following terms used in connection with rules and regulations governing suppression of diesel locomotive originated fires on railroad right-of-way shall be defined as follows: (1) The term "commission" refers to the state corporation commission of the state of Kansas.

(2) The term "carrier" means any railroad, railway company or corporation subject to commission jurisdiction, which operates a railroad in the state of Kansas.

(3) The term "right-of-way" is the property on which the road bed, tracks and fixed facilities necessary for the operation of trains are located. (Authorized by K.S.A. 66-101, 66-106, 66-156; effective, E-72-22, July 28, 1972; effective Jan. 1, 1973.)

**82-6-2. Spark arresters.** (a) On and after January 1, 1973, no carrier shall use or operate in over-the-road service in the state of Kansas a non-turbocharged diesel locomotive unless it is equipped with a spark arrester, constructed of nonflammable materials, that is at least as efficient in the retention or destruction of all carbon particles as the "super" spark arrester.

(b) On and after January 1, 1974, no carrier shall use or operate in over-the-road service in the state of Kansas a non-turbocharged diesel locomotive unless it is equipped with a spark arrester constructed of nonflammable materials that is at least 80 percent efficient in the retention or destruction of all carbon particles .023 inch in diameter and larger for 30 to 100 percent of the locomotive engine's exhaust flow rate. With the addition of the arrester, the total manifold exhaust back leg pressure cannot exceed three and one-half inches of mercury.

(c) During the harvest season in the years 1973, 1974, and 1975, a carrier may operate in over-the-road service a non-turbocharged diesel locomotive that is not equipped with a spark arrester when it is essential to use such locomotives in order to adequately and

promptly move cars during the harvest season.

(d) A carrier may make application to the commission for an extension of time to meet the standards of paragraph (b) on the grounds of nonavailability of parts and material, or on the grounds of financial inability to convert to the standards of fire arresters prescribed in paragraph (b). (Authorized by K.S.A. 66-101, 66-106, 66-156; effective, E-72-22, July 28, 1972; effective Jan. 1, 1973.)

**82-6-3. High fire areas.** (a) The term "high fire area" means a 10-mile section of a carrier's right-of-way wherein there has been, during the immediate past 3-calendar-year period an average of three or more diesel locomotive originated fires per year. Said 10-mile sections shall be determined in even 10's, for example between m.p. 10 and m.p. 20.

(b) Every carrier shall treat high fire areas by either plowing, burning, cutting, or chemically spraying all vegetation for a distance of not less than 25 feet from the outside rails and between all rails on its right-of-way. Commission personnel will make periodic inspections of the high fire areas in connection with the maintenance of this standard.

(c) On or before the first day of March of each year, every carrier shall report to the commission all high fire areas in the state of Kansas.

(d) The report shall state the location of such high fire areas by railroad mile post numbers, county, and nearest town or city, said report to include but not be limited to the date and number of fires and the total acres burned in each of the specific high fire areas.

(e) The report shall state the nature of the treatment of high fire areas, and the date of such treatment for each area in the preceding calendar year. (Authorized by K.S.A. 66-101, 66-106, 66-141, 66-156; effective, E-72-22, July 28, 1972; effective Jan. 1, 1973.)

#### Article 7.—RAILROAD GRADE CROSSING—PROTECTION RULES

**82-7-1. Title and scope.** These rules shall be known as the railroad grade crossing protection rules and shall apply to all proceedings before the state corporation commission pertaining to requests by the governing body of any city, county or town-

ship for installation of safety devices at railroad grade crossings pursuant to chapter 242, 1972 session laws of Kansas. (Authorized by K.S.A. 66-231b; effective, E-72-26, Sep. 1, 1972; effective Jan. 1, 1973.)

**82-7-2. Definitions.** The following words when used in these rules shall have the meaning ascribed to them in this section: (a) "Commission" shall mean the state corporation commission of the state of Kansas as defined in chapter 66, Kansas Statutes Annotated.

(b) "Board" shall mean the governing body of any city, the board of county commissioners of any county or the board of trustees of any township.

(c) "Railroad company" shall mean a railroad company defined by K.S.A. 66-180.

(d) "Crossing" shall mean the intersection of one or more railroad tracks with one or more roads, highways, or streets of any type used for vehicular traffic or vehicular and other traffic.

(e) "Protection" or "safety" devices shall mean signs, signals, gates, and other devices for the purpose of warning of dangerous crossings. (Authorized by K.S.A. 66-231b; effective, E-72-26, Sep. 1, 1972; effective Jan. 1, 1973.)

**82-7-3. Procedure.** (a) Any board may, upon adopting a resolution to that effect, file a request with the commission for a determination of whether or not a crossing is dangerous. Except as otherwise provided herein, the rules of procedure of the commission shall be followed as to all proceedings under this section.

(b) Upon receipt of the request, the commission shall assign a docket number, and notice of the pendency of such proceeding shall be given to all interested boards and railroad companies. Thereafter, the commission shall, in cooperation with the state highway commission, enter into and conduct an investigation and may require the boards or railroad companies to furnish information including, but not limited to, the following: (1) The latest train traffic information including the number and speed of trains per day at the crossing, the number of tracks thereat and the possibility of trains meeting at the crossing at the same time.

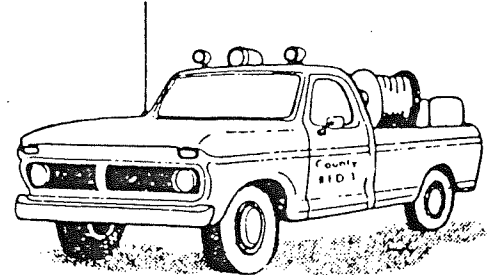
(2) The latest average daily and peak highway traffic over the crossing.

(3) A statement as to all accidents at the



Cooperative Extension Service

State and Extension Forestry  
2610 Claflin Road  
Manhattan, Kansas 66502  
913-532-5752



RURAL FIRE PROTECTION

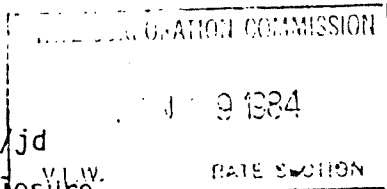
*Jack Tierce*

	Information in which you may be interested
	As a follow-up to our conference
<input checked="" type="checkbox"/>	In response to your request
	For your files
	<i>1117184</i>
	<i>Information attached you requested.</i>
	<i>Looks pretty good.</i>
	<i>Randy</i>

Sincerely,

Clifford R. Biswell  
Assistant State Extension Forester

KSU, County Extension Councils and U.S. Department of Agriculture Cooperating. All educational programs and materials available without discrimination on the basis of race, color, national origin, sex, or handicap.



CRB/jd  
Enclosure

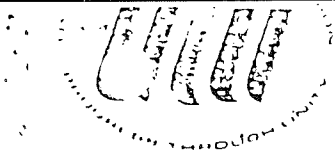
# Railroad Caused Fire

CY 1970 - 1983

Calendar Year	Total rural fires reported	# Railroad fire cause	Total rural Acres burned	# Acres burned by railroad fire cause
CY 1970	3875	(18%) 688	135000	(15%) 19717
CY 1971	2671	(21%) 542	41931	(25%) 10022
CY 1972	3447	(17%) 580	146405	(20%) 29287
Rule 82-6-2 (a) CY 1973	3028	(20%) 593	30618	(20%) 6216
(b) CY 1974	3764	(21%) 776	38571	(29%) 11698
CY 1975	2666	(18%) 480	21663	(22%) 9058
CY 1976	4822	(19%) 933	195235	(14%) 27674
CY 1977	3297	(14%) 466	61584	(13%) 8109
CY 1978	3679	(10%) 384	97306	(13%) 12678
CY 1979	2610	(27%) 524	33863	(31%) 12431
CY 1980	5193	(18%) 492	109033	(8%) 8479
CY 1981	3232	(9%) 292	43009	(15%) 4425
CY 1982	3455	(6%) 208	65123	(3%) 2028
CY 1983	4858	(5%) 238	44891	(10%) 2832

Prepared by:  
 C.R. Emswiler

January 17, 1984



**TRANSPORTATION**  
**UNION**  
 General Committee of Adjustment  
 (Conductors - Trainmen - Yardmen)  
 Atchison, Topeka and Santa Fe Railway

R. J. CANTRILL, General Chairman  
 A. L. PASCHALL, Vice General Chairman  
 M. R. HICKS, General Secretary

300 TEMPLE BUILDING • 903 GRAND AVENUE  
 KANSAS CITY, MISSOURI 64106 • (816) 842-7411

August 17, 1978

R. O. MOORE, LOCAL 9

To all Local Chairmen  
 United Transportation Union  
 Locals Numbers

9	433	603	1168	1532
94	441	643	1188	1571
220	445	794	1227	1600
342	464	939	1313	1687
412	477	945	1494	

Dear Sirs and Brothers:

An important Court decision was handed down by the United States District Court for the District of Columbia on June 30, 1978, copy of which is attached hereto.

Your attention is specifically directed to Item 4 beginning on page 3 and continued on page 4. It is our understanding that this rule is now in effect and is being enforced.

All violations should be reported to National Legislative Director J. R. Snyder.

Fraternally yours,

*R. J. Cantrill*

R. J. Cantrill  
 General Chairman

Attachments  
 Copy to:  
 All Local Secretaries

ASSOCIATION OF AMERICAN RAILROADS. )

Plaintiff. )

v. )

BROCK ADAMS, SECRETARY OF )  
TRANSPORTATION, ET AL., )

Defendants. )

Civil Action No. 78-1184

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FINDINGS AND CONCLUSIONS

The plaintiff in the instant case, the Association of American Railroads (AAR), has moved for a preliminary injunction staying enforcement of a final rule issued by the Federal Railroad Administration on January 11, 1977. That rule prescribes the requirements for installation of rear end marking devices designed to make trains visible to the crews of other trains approaching from behind on the same track. FRA promulgated the rear end marking rule pursuant to the Federal Railroad Safety Act of 1970 (45 U.S.C. Section 431, et seq.) and the Federal Railroad Safety Authorization Act of 1976 (P.L. 94-348). The effective date of the rule is July 1, 1978.

On June 28, 1978, this Court held a hearing, at which all parties were represented, to consider the propriety of granting plaintiff's motion for a temporary restraining order. (1) That motion was denied by order of the Court dated June 28, 1978.

All parties have made written submissions. Upon consideration of the facts and arguments advanced in support of and in opposition to plaintiff's motion, the Court finds that plaintiff has failed to meet the standards for granting a preliminary injunction as set

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(1) The parties in this case include the Railroad Labor Executives Association and the United Transportation Union which were granted leave to intervene at the hearing held herein.

forth in Virginia Petroleum Jobbers Association v. FPC, 257 F. 2d 921 (D.C. Cir. 1958) and Washington Metropolitan Area Transit Commission v. Holiday Tours, Inc., 559 F. 2d 841 (D.C. Cir. 1977), and enters the following findings and conclusions:

1. First, the Court finds that the plaintiff has failed to demonstrate either a likelihood that it will prevail on the merits or a substantial case on the merits. The standard for review of informal rulemaking by a federal agency is a narrow one. This Court must refrain from substituting its judgment for that of the agency and may hold the rule invalid only if the agency has exceeded its statutory authority or acted arbitrarily and capriciously. Bowman Transportation, Inc. v. Arkansas - Best Freight System, Inc., 419 U.S. 281 (1974); Ethyl Corp. v. Environmental Protection Agency, 541 F.2d 1 (D.C. Cir. 1976), cert. denied, 426 U.S. 941. The plaintiff has failed to show a basis for believing that FRA's action should be overturned under these standards.

2. Under the Federal Railroad Safety Act of 1970, (45 U.S.C. Section 431 (a)), FRA has very broad authority to "prescribe, as necessary, appropriate rules, regulations, orders and standards for all areas of railroad safety ..." (emphasis added). The Railroad Safety acts are to be liberally construed to accomplish their humanitarian purposes. United States v. Seaboard Airline Railroad Co., 361 U.S. 78 (1959); Lilly v. Grand Trunk Western Ry Co., 317 U.S. 481 (1942). Section 431 (a) alone, in light of this principle of construction and its broad language, grants FRA authority to promulgate rules requiring specific types of markers, including lighted markers, to make the rear ends of trains visible at night and in poor weather. Lighted rear end markers are safety devices which are taken for granted on other modes of transportation.

3. The FRA's authority to require such markers is further established by the Federal Railroad Safety Authorization Act

o 1976 (45 U.S.C. (g)). In that Act Congress provided the following:

The Secretary shall within One Hundred Eighty (180) days after July 8, 1976 issue such rules, regulations, orders and standards as may be necessary to require that --

\*\*\*

- (2) The rear car of all passenger and commuter trains shall have one or more highly visible markers which are lighted during periods of darkness or whenever weather conditions restrict clear visibility; and
- (3) The rear car of all freight trains shall have highly visible markers during periods of darkness or whenever weather conditions restrict clear visibility.

By enacting this language, Congress established that highly visible rear end markers are essential safety devices and emphasized the need for installing them expeditiously by taking the unusual step of requiring promulgation of a rule within 180 days. Contrary to the plaintiff's assertion, nothing in this language denies FRA the authority to require lighted markers on freight, as well as passenger trains. Rather, the language evidences an intention to leave to FRA's discretion the task of specifying what standards or types of devices will meet the statutory requirement for highly visible markers. Furthermore, the "highly visible" requirement in 1976 Act is only a minimum standard and in no way limits FRA's broader authority under the 1970 Act to impose higher standards.

4. This Court finds that FRA has exercised its discretion in a responsible, reasonable fashion. FRA promulgated a performance standard which specifies the minimum requirements which a marker must meet in order to be considered "highly visible." A review of the rulemaking documents taken as a whole and a consideration of the contentions advanced by the parties convinces this Court that FRA is not only reasonable but also correct in concluding



that only devices meeting the performance standard will be highly visible in the wide range of operating conditions encountered on railroads. For example, the plaintiff attacks FRA's performance standard on the ground that it can be met only by lighted devices. Plaintiff's counsel, however, was unable to explain to this Court how an unlighted, reflective device can be seen at all; let alone be highly visible, when one train is approaching another on a section of curved track. In such a situation the headlight of the locomotive on the second train will be projected forward in a straight line tangent to the curve and will not shine on the rear end of the train ahead. Consequently, there will be nothing for the reflective marker to reflect and the crew of the second train will not be warned of the presence of the first. This Court finds that FRA has promulgated a performance standard which appropriately sets the minimum criteria for highly visible markers under railroad operating conditions and that FRA's decision to promulgate that standard is not arbitrary or capricious.

5. Furthermore, this Court finds that the FRA gave adequate notice of its proposed rulemaking as is required by the Administrative Procedure Act (5 U.S.C. §553). See 41 Fed. Reg. 50701. The statute requires that the notice shall include "either the terms or substance of the proposed rule or a description of the subjects and issues involved." 5 U.S.C. §553(b). FRA's notice included both. The final rule (42 Fed. Reg. 2321) published after the public comments and hearings varied somewhat from the proposal in response to the comments submitted. The plaintiff contends that this variance invalidates the rule. The Court finds no merit in this contention. The plaintiff was given adequate notice of the "subjects and issues" involved in the proposed rulemaking and had an ample opportunity to comment thereon. No more is required. Action for Children's Television v. Federal Communications Commission, 564 F.2d 458 (D.C. Cir. 1977); Forester v. Consumer Product Safety Commission, 559 F.2d 774 (D.C. Cir. 1977); South Terminal Corp. v. Environmental Protection Agency, 504 F.2d 646 (1st Cir. 1974).

6. Second, this Court finds that the plaintiff has failed to make a sufficient showing of irreparable injury to justify granting a preliminary injunction. The injury plaintiff claims is the cost of installing the required rear end marking devices. Such monetary damages alone are an insufficient basis on which to stay the effectiveness of an important safety standard such as the one at issue here. Cf. Abbott Laboratories v. Gardner, 387 U.S. 135, 136 (1966).

7. The plaintiff also claims that its members will be unable to comply with the rule by July 1, 1978. The Court, however, finds that any such inability to comply has been brought on by the railroads themselves. The FRA promulgated its performance standard for highly visible rear end markers on January 11, 1977, almost one and one half years ago. That standard has remained unchanged since that time, save for the effective date which was extended from January 1, 1978 to July 1, 1978. (2)

8. The railroad industry has known for more than one and one half years the precise nature of the requirements with which it must comply. The federal defendants represented at the hearing that there are commercially available devices, approved by FRA, which the railroads could use to comply. Accordingly, this Court finds that any inability to comply which the railroads now face is self-imposed. Such self-imposed injury cannot justify granting a preliminary injunction in this case.

9. Third, the public interest and the interest of the other parties in this case would be substantially injured by granting a preliminary injunction. By passing the Federal Railroad Safety Authorization Act of 1976, Congress established that the public interest in rail safety requires the expeditious installation of highly visible rear end markers on all trains. The installation of those markers on freight trains is required to protect not only the railroad employees who operate those trains but also the members of the public who ride passenger trains. As counsel for the plaintiffs admitted in oral argument, freight and passenger trains frequently run, one ahead of the other, on the same track. The number of rear end collisions increased significantly in the past few years. It would be imprudent to expose the public and railroad employees to a continued risk of rear end collisions by granting the temporary injunction.

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(2) On December 5, 1977, the FRA added an Appendix to the rule which set out procedures for testing rear end marking devices. The AAR has filed two petitions to have the rule reconsidered, the first of which was denied on April 7, 1977 and the second of which was denied on June 1, 1978.

10. The plaintiff argues that rear end markers are not an important safety device because they only serve to "back up" other primary means of avoiding rear end collisions, such as signals, train orders and timetables. This argument was presented to and rejected by Congress during the discussions prior to passage of the 1976 Safety Authorization Act. Furthermore, the increasing number of rear end collisions indicates these primary devices fail too often.

11. For the foregoing reasons, this Court finds that the plaintiff has failed to establish its entitlement to a preliminary injunction. This Court concludes, in its discretion, that such an injunction should not issued. Accordingly, it is, this 30th day of June, 1978,

ORDERED that plaintiff's motion for a preliminary injunction be, and the same hereby is, denied.

/s/ June Green

UNITED STATES DISTRICT  
JUDGE

- 102 Marking device display.
  - 103 Marking devices.
  - 107 Movement of defective equipment.
- Authority: Section 202, 84 Stat. 571, 45  
S.C. 43) and Section 149(a) of the regu-  
lations of the Office of the Secretary of  
Transportation, 49 CFR 149(a).

Subpart A—General

221.1 Scope.  
This part prescribes minimum require-  
ments governing highly visible marking  
devices for the trailing end of the rear  
of all passenger, commuter and freight  
trains. So long as these minimum  
requirements are met, railroads may  
opt additional or more stringent re-  
quirements for rear end marking devices.

- 221.3 Application.
- (a) Except as provided in paragraph  
1 of this section, this part applies to  
passenger, commuter and freight trains  
operated on a standard gauge main  
line which is part of the general rail-  
road system of transportation.
  - (b) This part does not apply to:
    - 1) A railroad that operates only  
lines consisting of historical or anti-  
quated equipment for excursion, educa-  
tional, or recreational purposes;
    - 2) A train that operates only on track  
side an installation which is not part  
of the general railroad system of trans-  
portation;
    - 3) A rapid transit railroad that op-  
erates only on track used exclusively for  
rapid transit passenger service in a  
metropolitan or suburban area;
    - 4) A railroad that operates only one  
line at any given time.

221.5 Definitions.  
As used in this part:  
(a) "Train" means a locomotive unit  
or locomotive unit coupled with or with-  
out cars, involved in a railroad opera-  
tion conducted on a main track. It does  
not include yard movements.

(b) "Commuter train" means a short  
distance passenger train operating on track  
which is part of the general railroad  
system of transportation, within an  
urban, suburban or metropolitan area. It  
includes a passenger train provided by  
arrangement of a State or political  
division thereof.

(c) "Locomotive" means a selfprop-  
elled unit of equipment designed for  
use on other equipment in revenue serv-  
ice and includes a selfpropelled unit  
used to carry freight or passenger  
cars, or both.

(d) "Main track" means a track, other  
than an auxiliary track, extending  
through yards or between stations, upon  
which trains are operated by timetable  
in order or both, or the use of which  
is governed by a signal system.

(e) "Train order" means mandatory  
instructions issued as authority for the con-  
duct of a railroad operation outside of  
timetable limits.

(f) "Red-orange-amber color range"  
is those colors defined by chroma-  
co-ordinates, as expressed in terms  
of the International Commission on Illu-  
mination (1931) Colorimetric System,  
which are within the region bounded by  
the extreme lower and lines defined by

(h) "Effective intensity" means that  
intensity of a light in candela as defined  
by the Illuminating Engineering Society's  
Guide for Calculating the Effective In-  
tensity of Flashing Signal Lights, No-  
vember, 1964.

§ 221.7 Civil penalty.  
Any railroad that operates a train to  
which this part applies in violation of  
any requirements prescribed in this part  
is liable to a civil penalty of at least  
\$250, but not more than \$2500, for each  
violation. Each day of each violation con-  
stitutes a separate offense.

§ 221.9 Waivers.  
(a) A railroad may petition the Fed-  
eral Railroad Administrator for a waiver  
of compliance with any requirement pre-  
scribed in this Part.  
(b) Each petition for a waiver under  
this section must be filed in the manner  
and contain the information required  
by Part 211 of this chapter.  
(c) If the Administrator finds that a  
waiver of compliance is in the public in-  
terest and is consistent with railroad  
safety, he may grant the waiver subject  
to any condition he deems necessary.  
Notice of each waiver granted, including  
a statement of the reasons therefor, will  
be published in the Federal Register.

§ 221.11 State regulation.  
Notwithstanding the provisions of this  
part, a State may continue in force any  
law, rule, regulation, order, or standard  
that was in effect on July 8, 1976, relat-  
ing to lighted marking devices on the  
rear car of freight trains except to the  
extent that such law, rule, regulation,  
order, or standard would cause such cars  
to be in violation of this part.

Subpart B—Marking Devices

§ 221.13 Marking device display.  
(a) After December 31, 1977, each train  
to which this part applies that couples  
or operates on a main track shall be  
equipped with marking devices located  
on the trailing end of the rear car of the  
train as prescribed in this subpart.  
(b) The marking devices prescribed  
in this subpart shall be displayed con-  
tinuously during the hours between one  
hour before sunset and one hour after  
sunrise, and during all other hours when  
weather conditions so restrict visibility  
that the end silhouette of a standard box  
car cannot be seen from 1 1/2 miles on level  
track by a person having 20/70 cor-  
rected vision.

(c) The centroid of the marking device  
must be located at a minimum of 48  
inches above top of rail.

§ 221.15 Marking devices.  
(a) Passenger, commuter and freight  
trains shall be equipped with at least one  
marking device which the Administrator  
approves as having an intensity of not  
less than 100 candela nor more than 1000  
candela (or an effective intensity of not  
less than 100 candela nor more than 1000  
candela for flashing lights) as measured  
at the center of the beam.

the beam with a diameter not greater than  
5/8 inch (the diameter each side of the horizon-  
tal center line as defined) in terms of the  
16 candela intensity range.

(2) A color defined by the red-orange-  
amber color range and  
(3) if a flashing light is used, a flash  
rate of not less than once every 1.5 sec-  
onds nor more than once every 7 seconds.  
(b) Marking devices used on passenger  
and commuter trains in compliance with  
paragraph (a) of this section shall be  
lighted under the conditions prescribed  
in § 221.13(b).

(c) When a locomotive is operated  
alone, or at the rear of a train, highly  
visible marking devices may be provided  
by the use of:

- (1) at least one marking device which  
complies with paragraph (a) of this sec-  
tion;
  - (2) at least one illuminated red or  
amber classification light on the rear of  
the locomotive, provided it complies with  
paragraph (a) of this section; or
  - (3) the rear headlight of the locomo-  
tive illuminated on low beam.
- (d) After December 31, 1977, marking  
devices displayed in compliance with this  
part shall be inspected by the train crew  
at each crew change point to ensure that  
they are in proper operating condition.

§ 221.17 Movement of defective equip-  
ment.  
(a) Whenever the marking device pre-  
scribed in this part becomes inoperative  
en route, the train may be moved to the  
next forward location where the mark-  
ing device can be repaired or replaced.

(b) Defective rolling equipment which,  
because of the nature of the defect, can  
be placed only at the rear of a train for  
movement to the next forward location at  
which repairs can be made need not be  
equipped with marking devices prescribed  
in this part.

(c) When a portion of a train has de-  
railed, and a portable marking device is  
not available, the remainder of the train  
may be moved to the nearest terminal  
without being equipped with the marking  
device prescribed in this part.

This part is effective on February 15,  
1977. Earlier compliance with these regu-  
lations is authorized as of the date of  
publication of this notice.

Issued in Washington, D.C., on Janu-  
ary 6, 1977.

Asa H. Hall,  
Administrator.

[FR Doc. 77-1044 Filed 1-12-77; Ent. 14m]

*File - Caboose regulation*

BEFORE THE STATE CORPORATION COMMISSION  
OF THE STATE OF KANSAS

In the matter of suggested caboose )  
order affecting public safety as )  
pertains to operating railroads in ) Docket No. 59,570-R  
the State of Kansas. )

DECISION AND ORDER

Now on this 16th day of December, 1959, the above entitled matter comes on for consideration and determination by the Commission (Harry G. Wiles, Chairman, Marion Beatty and Richard C. Byrd, Commissioners) and the Commission, having examined the records, testimony and evidence adduced at hearings held September 11 and 18, 1959, and November 10, 1959, herein, and being well advised in the premises, finds:

1. This investigation and inquiry came before the Commission upon the motion of Rollie F. Cooley, Legislative Representative of the Brotherhood of Railroad Trainmen, on January 28, 1959, praying that this Commission issue an ex parte order establishing certain rules and regulations concerning way cars and cabooses as set out by the proposed rules and regulations attached to said motion.

2. Notice of the motion was served upon the nine railroads operating within the State of Kansas and set out that if no protests, suggestions or recommendations were received within 30 days from the date of service of the notice, the Commission would issue its order adopting the rules and regulations as attached to the notice. The operating railroads; namely, The Atchison, Topeka and Santa Fe Railway Company, Chicago, Burlington and Quincy Railroad Company, Chicago, Rock Island and Pacific Railroad Company, The Kansas City Southern Railway Company, Midland Valley Railroad Company, Missouri-Kansas-Texas Railroad Company, Missouri Pacific Railroad Company, St. Louis-San Francisco Railway Company, and Union Pacific Railroad Company, filed a motion to dismiss for lack of jurisdiction of the subject matter. The objections were based upon the theory; that the proposal contemplates the Commission's regulation of the employer-employee relation between the unions and the railroad; the jurisdiction of the Commission over railroads extends only to those matters affecting rates and services to the general public; the standards for way cars or cabooses are established by Sections 66-219, et seq., G. S. 1949, and these statutes do not confer any discretionary power on this Commission; the proposal asks the Commission to usurp the legislative function; and Congress has exercised its exclusive control over the subject of way car and caboose equipment and there is no jurisdiction of the subject matter left to the states.

3. Hearing was set on September 11, 1959, and notice given to all parties concerned. The Commission overruled the respondent's Motion to Dismiss and movant presented the testimony of six witnesses, the parties stipulated the testimony of five additional witnesses, and submitted three exhibits, which were photographs of cabooses and a standard signal marker. The respondents requested and were granted a continuance until September 18, 1959. Upon September 18, 1959, the hearing was called and respondents requested and were granted an additional continuance until November 10, 1959. At the initial hearing, respondents counsel stated for the record that by appearing they were not acquiescing in any way to the jurisdiction of the Commission to hear this matter.

4. The movant complained of the practice of the railroads operating certain cabooses and way cars within the State of Kansas which are equipped with only kerosene-burning signal markers on the exterior rear thereof. The movant avers that the absence of electric signal markers on the exterior rear of cabooses and way cars endangers the safety and welfare of the general public. The motion, as amended, requests the Commission to issue rules and regulations requiring the cabooses and way cars, used in road service within the State of Kansas, to be equipped with electric signal markers on the exterior rear with sufficient candle power to be visible at a distance of 3,000 feet under ordinary atmospheric conditions.

5. Before turning to the evidence, the Commission will preliminarily pass upon the question of jurisdiction raised by the respondents. Jurisdiction of the Commission in this matter is based upon Chapter 66, Public Utilities, G. S. of Kansas 1949, wherein statutes 141, 156, 157, 219, 220, 222, and 275 furnish ample authority for the Commission to prescribe reasonable measures and standards in order to promote the security, convenience and safety of the public.

(a) The Commission finds that the first objection of the respondents as to this being simply an employee-employer relationship and therefore subject only to negotiation and not Commission regulation is without merit whatsoever. It would certainly be a dark day for the members of the public if their safety, while using common carrier modes of transportation within the State, were left entirely to the negotiations between employers and employees of the common carriers.

(b) In considering the other objections of the respondents which are based upon Kansas law; their first contention that Sections 66-219, et seq., G. S. of Kansas 1949, establishes standards for way cars and cabooses and therefore does not confer any discretionary power on the Commission, would appear to be answered by the wording of these statutes as cited themselves. Under Section 220 such phrases as "such way cars or cabooses shall be at least 24 feet in length, . . . constructive strength equal to . . . each platform shall not be less than 20 inches . . . caboose shall not be less than 11 feet in height . . .". Such wording seems to clearly indicate that such standards as established are minimum standards and are not absolute or maximum standards. These sections as well as all others under Chapter 66 must be construed in light of Section 141 wherein the Kansas Legislature felt it necessary to spell out that "the provisions of this act and all grants of power, authority and jurisdiction herein made to the Commissioners shall be liberally construed, and all incidental powers necessary to carry into effect the provisions of this act are hereby expressly granted to and conferred upon the Commissioners."

(c) Section 156 not only gives the Commission general supervision of all public utilities and common carriers but places the responsibility upon the Commission to inquire, carefully examine, and inspect "the condition of each public utility and common carrier, and of its equipment and the manner of its conduct and the management with reference to the public safety and convenience". Section 157 gives the Commission the authority to carry forth their responsibilities under Section 156 and states "whenever in the judgment of the Corporation Commission it shall appear that any corporation or company operating a public utility or common carrier . . . fails in any respect or particular to comply with the terms of its charter or the laws of the State, or whenever in the judgment of the Commission any repairs are necessary upon its road, or any addition to its rolling stock or other equipment, . . . or any change in the mode of operating or conducting its business, is reasonable and

expedient in order to promote the security, convenience and accommodation of the public, said Commission shall inform such company or corporation of the improvements and changes which they deem to be proper."

(d) Under Section 77-406 et seq., G. S. of Kansas 1949, every state agency, which as defined by statute includes the Corporation Commission, shall file every regulation made by the agency with the Revisor of Statutes and the Legislature may disapprove or reject the same. The Commission can in no way supersede or establish regulations without the Legislature's approval by either acquiescence or the rejection thereof. House Resolution No. 30, Chapter 423, p. 828 of 1959 Session Laws provides that each member of the legislature be furnished information concerning the rule or regulation filed.

(e) The Commission as recently as October 15, 1958, under Docket No. 58,144-R established rules and regulations relative to clearance on railroads as it affects the safety of the general public. A motion was filed by a member of the Brotherhood in that matter and a similar order and notice, as was herein used, was issued giving the railroads and interested parties 30 days in which to file any protests, suggestions or recommendations to the rules and regulations. Within 30 days the railroads made recommendations and suggestions and a final order was drafted and issued which met the approval of all parties concerned. It is interesting to note that there was at no time in that matter a motion filed to dismiss for lack of jurisdiction and neither were there any appeals taken to the final order.

6(a). We now turn to the question whether Congress has pre-empted or occupied the field. The Safety Appliance Acts comprise three different Acts: Act of March 2, 1893, 27 Stat. 531, Sections 1-7 of Title 45 U.S.C.A.; Act of March 2, 1903, 32 Stat. 943, Sections 8-10 of Title 45 U.S.C.A.; and Act of April 14, 1910, 36 Stat. 298, Sections 11-16 of Title 45 U.S.C.A. These Acts apply to all railroad cars used by an interstate carrier, whether the particular cars are used in intra- or interstate commerce. *Gilvary v. Cuyahoga Valley Rwy.* 292 U.S. 57, 60, 54 S. Ct. 573, 78 L. Ed. 1123 (1933). These Acts also apply to maintenance-of-way vehicles or track cars. *Baltimore & Ohio Railway Co. v. Jackson*, 353 U.S. 325, 328, 333, 77 S. Ct. 842, 1 L. Ed. (2) 862 (1957).

(b) By the Safety Appliance Acts, railroad cars whether used for freight, passengers, or employees must be equipped with certain safety devices such as:

- (1) Power driving-wheel brakes and appliances for operating a train brake system (Section 1);
- (2) automatic couplers of a standard height (Section 2);
- (3) grab irons or handholds for security in coupling and uncoupling cars (Section 4);
- (4) drawbars of a standard height (Section 5); and
- (5) secure sill steps and efficient hand brakes, secure ladders, and running boards (Section 11).

(c) A comparison of the items specified in the Safety Appliance Acts with the items sought to be regulated in the instant case shows no specific conflict.

(d) We are, therefore, brought to the question of whether in the absence of a specific conflict, State regulation has been pre-empted. We conclude, after a review of the United States Supreme Court cases, that there has been no pre-emption or supercession and that nonconflicting State' legislation is valid.

(e) In *Atlantic Coast Line Railroad v. Georgia*, 234 U.S. 280, 34 S. Ct. 829, 58 L. Ed. 1312 (1914), a Georgia statute requiring railroad cars to have special headlights on locomotives was sustained.

(f) In *Vandalia Railroad Company v. Public Service Commission of Indiana*, 242 U.S. 255, 37 S. Ct. 93, 61 L. Ed. 276 (1916), an order of the Indiana Railroad Commission requiring certain powered headlights on all railroad engines was sustained.

(g) In *Napier v. Atlantic Coast Lines*, 272 U.S. 605, 611, 47 S. Ct. 207, 71 L. Ed. 432 (1926), Brandeis, J., in speaking for the Court, in obiter dictum, said: "Does the legislation of Congress manifest the intention to occupy the entire field of regulating locomotive equipment? Obviously, it did not do so by the Safety Appliance Act, since its requirements are specific."

(h) This excerpt is a clear indication that the Safety Appliance Acts did not per se pre-empt the field.

(i) The question appears to have been conclusively settled in *Terminal Railroad Association of St. Louis v. Brotherhood of Railroad Trainmen*, 318 U.S. 1, 63 S. Ct. 420, 87 L. Ed. 571 (1943). In that case the Illinois Commerce Commission ordered, inter alia, that the railroad provide cabooses for employees. In sustaining the order of the State Commission, the United States Supreme Court said:

"Appellant claims that there had been Congressional occupation of the field by virtue of the Boiler Inspection Act, the Safety Appliance Act, and the Interstate Commerce Act. It is not contended, nor do we understand, that these statutes, by themselves and unimplemented by any action of the Interstate Commerce Commission, lay down any requirements that cabooses shall or shall not be used on any of the runs in question. Nor is it contended that the Interstate Commerce Commission itself had sought to make any such requirement. At least in the absence of such action these Acts do not themselves preclude the state order, *Atlantic Coast Line v. State of Georgia*, 234 U.S. 280, 34 S. Ct. 829, 58 L. Ed. 1312; of *Welch Co. v. State of New Hampshire*, 306 U.S. 79, 59 S. Ct. 438, 83 L. Ed. 500, \*\*\*" 318 U.S. at page 4, 63 S. Ct. at 422.

(j) We, accordingly, conclude that respondents' objection to the Commission's jurisdiction is without merit and, that under the decisions of the United States Supreme Court, this Commission does have jurisdiction to entertain these proceedings and make an order appropriate thereto.

7(a). At the hearings, movant presented six witnesses and stipulated the testimony of five additional witnesses, all being employed by various railroads operating within the State of Kansas. All these witnesses had many years



experience of railroad service as either conductors, brakemen, or locomotive engineers and were familiar with the various forms of exterior lighting or markers on the rear cars of trains.

(b) One of the witnesses for the movant, a conductor and brakeman with twenty-two years experience; described in detail the many hazards to kerosene-burning signal markers and explained that such markers were subjected to high wind, shock due to slack action, dirt, dust, adjustment, carboning of the wick, and the obscuring of lenses due to smoking. He testified that many times such kerosene-burning markers were extinguished by the wind or shock action and that it was a hazard for the railroad employee to relight such marker during the travel of the train. He felt that public safety was involved as many times only one person is in the caboose and if such person in attempting to relight the markers was thrown off or incapacitated it would leave no one to protect the rear of the train. He further stated that there is no comparison in his opinion of the fact that electric markers are visible much further than kerosene-burning markers and that the greater distance of visibility and illumination increases the safety and welfare of the approaching trains and passengers riding thereon. He further stated that one could possibly see kerosene-burning signal markers at a distance of 3,000 feet under "perfect conditions".

(c) Another witness for movant described how the kerosene-burning signal marker could not be seen under some circumstances even at 400 feet if the viewer were not in a direct line with the reflection of the light rays but was on a curve or an angle, even though there were no physical obstructions between the viewer and the marker.

(d) All of the witnesses for the movant testified of their familiarity with both forms of exterior lights or markers, electric and kerosene, on the rear cars of the trains and as to the fact that greater distance of visibility and illumination would increase the safety and welfare of the trains and passengers riding thereon. They further stated that oil burning markers were extinguished many many times during movement of the trains and that in observing both the kerosene-burning signal markers and the electric light markers, the electric light markers were far superior to the kerosene-burning signal markers in maintaining and observing.

(e) One witness of the movant stated that he had had the opportunity of viewing the rear car of a train which had both the electric signal marker and the kerosene-burning signal marker and described how he had observed the electric signal marker much earlier than the kerosene-burning signal marker.

(f) The movant presented four exhibits, three exhibits being photographed of cabooses with different types of signal markers thereon and one being an engineering test run on various types of signal markers. In comparing the candle power of kerosene-burning markers to electric markers these tests showed the poorest electric marker was three times brighter than the kerosene-burning marker and the best electric marker 27 times brighter than the kerosene-burning marker.

8(a). The respondents presented six witnesses and six exhibits. These exhibits were copies of legislative journals, railroad rules, letters, and a reflector lens.

(b) A witness for the respondents, an employee of Missouri Pacific Railroad Company testified that the company owned 604 cabooses, that it could use possibly 300 cabooses during peak periods in the State of Kansas, that 454 of the company owned cabooses were equipped with radio equipment and generators which can be used to furnish power for markers, that 150 cabooses had no radio or generators, and that 29 cabooses were equipped with electric light markers. He further stated that it would cost approximately \$1,800 to provide batteries, generator, and the

necessary equipment with which to equip a caboos without radio equipment and would cost approximately \$200 to equip cabooses with radio equipment and generators already present with the single electric marker and wiring. He further stated that in the early part of 1957 the Missouri Pacific equipped six cabooses with electric markers for testing and that they have now increased that number to twenty-nine cabooses equipped with electric markers. He further testified that his railroad operated in the State of Colorado which has a regulation requiring electric markers on their cabooses and way cars. He further testified that markers which were only visible a distance of 3,000 feet were not adequate to give an approaching train operating at maximum speed or traveling 35 or 40 miles an hour sufficient time in which to stop. He further stated that in his opinion electric markers or markers of any description on the rear end of trains were not necessary nor a safety feature, and that the purpose of the markers was of identifying the end of the trains.

(c) Another witness for the respondents, an employee of the St. Louis-San Francisco Railway Company testified that they had 75 cabooses which were in a pooling agreement, that twelve cabooses were assigned to the State of Kansas, and that the majority of the cabooses assigned in Kansas operated during day time runs. He further stated that of the 75 cabooses all were equipped with electric markers and that this equipping had been instituted as far back as 1955 or 1956. He further testified that it would cost between \$1,500 and \$5,500 to equip a caboos with the batteries, generator and electric markers. The witness stated such markers are not for safety but on cross examination he stated that the red marker to the rear of a train is a signal to the approaching train to take precautionary action.

(d) Another witness for the respondents, an employee of The Atchison, Topeka and Santa Fe, testified that the railroad owned 925 cabooses on the entire system, that 222 were used within the State of Kansas, that 104 of the 222 cabooses used within the State of Kansas were equipped with radio equipment generators and batteries, and that 42 had electric markers installed. He further stated that of the 925 cabooses owned 397 or 43% were equipped with electric markers. This witness further stated that he did not feel 3,000 feet was sufficient distance in which to stop a train moving at a high speed. He also stated that should the Santa Fe enter into a pooling agreement with the Union that they would not need one-third of the 222 cabooses which are now being operated within the State of Kansas. Taking this figure it would mean only 74 cabooses would be necessary for Kansas operations.

(e) Another witness for the respondents, an employee of the Chicago, Rock Island and Pacific Railroad Company, testified that at peak periods 130 cabooses would be operated within the State of Kansas and that of this number 33 are already equipped with electric markers.

(f) Another witness for the respondents testified, an employee of the Union Pacific Railway Company, that they owned a total of 801 cabooses, 550 are included in a pooling agreement; that none of their cabooses are equipped with radio equipment; that 230 are equipped with electric markers. He further stated that it would cost approximately \$1,800 for each caboos to be equipped with electric markers. Upon cross examination this witness testified that the 230 cabooses which are already equipped with electric markers were equipped to use in Colorado but yet stated that the Colorado regulation which imposes the necessity for electric markers was only brought about one year before this hearing and that the cabooses had been equipped over one and a half years ago.

(g) A witness for the respondents, an employee of the Missouri-Kansas-Texas Railway Company, testified that they owned 145 cabooses and that of this number only 74 were in service; that of the 74, 12 were equipped with electric markers and 50 were equipped with radio, generator and batteries. He further stated that only 26 were operated within the State of Kansas.

#### FINDINGS

1. Upon review of the record, testimony, evidence, and exhibits adduced at the hearings hereon, the Commission finds:

a. That there are way cars and cabooses being operated in road service within the State of Kansas by the respondents herein that have only kerosene-burning signal markers on the exterior rear thereof.

b. That the kerosene-burning signal markers being used by the respondents upon such way cars and cabooses are inadequate from the standpoint of illumination and dependability for the following reasons:

- (1) They are subject to be extinguished by high winds and shock due to slack action during the movement of the trains.
- (2) The relighting of the extinguished markers while the train is moving is hazardous to the personnel who are responsible for protecting the rear of the trains, and they could be thrown off or incapacitated leaving no one to protect the rear of the train.
- (3) They are subject to becoming out of adjustment by shock of slack action and the wearing of the brackets in which they are hung whereby the focus of the lens is not projecting the light rays directly to the rear of the train.
- (4) The wicks, if not adjusted properly, carbon up and create excessive smoking which tends to obscure the lenses.
- (5) They must have an opening to the outside air so as to permit oxygen for the flames and are thereby subject to the outside elements such as moisture and dust which tends to obscure the lenses.
- (6) That although from the testimony the markers can possibly be seen at 3,000 feet on a good clear night this appears to be only if the lenses are clean, the flame adjusted properly, the lenses properly focused to the rear, and the observer of the marker in a straight line with the reflection of the light rays. It appears that perfect conditions must be present for the marker to be clearly visible at this distance.
- (7) That in comparing the visibility and dependability of the kerosene-burning marker with an electric signal marker, the kerosene-burning marker is much inferior in that the

poorest electric signal marker is three times brighter and is visible at greater distances and defuses the light in such a manner that an observer does not have to be directly behind the electric marker in order to see it.

c. That the signal markers on the exterior rear of way cars and cabooses are a definite factor in providing safety and security to the public who make use of and travel upon the railroads within the State of Kansas, even though the railroad operating rules might differ with this conclusion.

d. Although the witnesses for the railroads stated that the signal markers have nothing to do with safety and could be eliminated entirely, their very actions over the past few years reflects an entirely different conclusion as they have been converting and building their way cars and cabooses equipped with electric signal markers:

(1) The Atchison, Topeka and Santa Fe stated that their entire system operates with 925 way cars and cabooses; that of this number 703 are used in their operations outside the State of Kansas and that 56% of this number has electric signal markers already equipped thereon; that 222 cars are used within the State of Kansas and of this number only 19% are equipped with electric signal markers; that of the 222 way cars and cabooses used within the State of Kansas 46% or 104 are already equipped with generators, batteries, and radio equipment; that if and when the Santa Fe enters into a pooling agreement only 74 of these 222 cabooses will be needed in the State of Kansas.

(2) The Missouri Pacific has a total of 604 cabooses of which possibly 300 might be used during peak seasons within the State of Kansas; that 454 are already equipped with generators, batteries, and radio equipment and 29 are already equipped with electric signal markers; that the costs of equipping a way car or caboose which already has radio equipment thereon is approximately \$200 for the necessary wiring and the electric signal marker.

(3) The St. Louis-San Francisco Railway Company has 75 pooled cabooses and all of these 75 are presently equipped with electric signal markers; that they have an additional 12 way cars and cabooses which are not equipped with electric signal markers that they operate within the State of Kansas; that these 12 cabooses operate on daylight runs; that the conversion of the 75 pooled cabooses to being equipped with electric signal markers was begun as far back as 1955.

(4) The Chicago, Rock Island and Pacific Railway Company has 135 way cars and cabooses which they may operate during peak seasons within the State of Kansas and of this number 33 are presently equipped with electric signal markers.

(5) The Union Pacific Railway Company states that it owns 804 way cars and cabooses on its entire system; that they operate with 550 in a pooling agreement; that none of the cars are equipped with radio equipment; that 230 cars are presently equipped with electric signal markers.

(6) The Missouri-Kansas-Texas Railway Company has 175 way cars and cabooses and only 74 are used in road service; that 50 of these 74 are equipped with generators, batteries and radio equipment and 12 with electric signal markers; that 26 are operated within the State of Kansas.

(7) The Chicago, Burlington and Quincy Railway Company states that they do not operate any way cars or cabooses within the State of Kansas.

e. That all way cars and cabooses operated in road service within the State of Kansas should be equipped with electric signal marker lights or an electric signal marker light on the exterior rear thereof with sufficient candle power to be clearly visible at a distance of at least 3,000 feet under ordinary atmospheric conditions, in the interest of public welfare and safety.

f. That certain exemptions from any of the requirements herein should be made so as to provide exemptions to way cars and cabooses operated within the State of Kansas upon branch lines, as hereinafter defined for the purposes of this order, and daylight runs or short mileage runs which do not provide adequate generation in which to keep the batteries charged. A branch line shall be defined and considered for the purpose of this order as a segment of track with a stub end upon which only one train is operated and moves in one direction during a particular time of the day and returns either upon that day or the following day. A request for such exemption should be considered by the Commission upon proper application from the carrier, industry, or other interested parties after a full statement of the conditions existing has been filed and the reasons why such exemption is being sought. Any exemption which is granted should only be applicable to the particular case covered by that application.

g. That in order to not work an undue hardship upon the railroad, the Commission should give them adequate time in which to accomplish the requirement ordered hereunder and that the date of May 1, 1961, should be most adequate for the railroads to comply with the requirements hereunder.

IT IS, THEREFORE, BY THE COMMISSION ORDERED:

1. That the prayer of the instant motion, as amended, asking for certain rules and regulations governing railway way cars and cabooses on railroads in the interest of public welfare and safety, be granted to the extent hereinafter ordered by the Commission in adopting the rules and regulations attached hereto.

2. That attached rules and regulations be filed with the Revisor of Statutes in accordance with Chapter 77, Article 4, of the General Statutes of Kansas 1949.

3. The Commission retains jurisdiction of the subject matter and the parties for the purpose of entering such further order or orders as from time to time it may deem necessary.

BY THE COMMISSION IT IS SO ORDERED.

/S/ RAYMOND B. HARVEY  
Raymond B. Harvey, Secretary

( S E A L )

JMC:lg

RULES AND REGULATIONS GOVERNING  
RAILWAY WAY CARS AND CABOOSES

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SECTION I

RAILWAY WAY CAR AND CABOOSE EQUIPMENT REGULATIONS

It shall be the duty of each company, corporation, lessee, manager or receiver owning or operating a railroad in the State of Kansas to equip and maintain every way car and caboose, being operated in road service within the State;

- (a) with electric signal lights or markers or an electric signal light or marker on the exterior of the rear thereof, with sufficient candle power to be clearly visible at a distance of 3,000 feet under ordinary atmospheric conditions.

SECTION II

GENERAL CONDITIONS

1. Exemptions from any of the requirements herein shall be considered by the Commission upon proper application from the carrier, industry, or other interested parties, accompanied by a full statement of the conditions existing wherein it is shown that the way cars or cabooses are being operated (a) on daylight runs only, (b) on short mileage runs which do not provide adequate generation with which to keep the batteries therein charged and (c) solely upon branch lines as defined hereafter. Any exemptions so granted shall be limited to the particular case covered by the application.
2. Branch lines, as defined for the purposes of these rules and regulations, are those segments of railway track upon which only one train operates by moving one direction and returning in the opposite direction.
3. All the way cars and cabooses affected hereunder being operated in road service within the State of Kansas, and not coming under any of the exemptions, shall be equipped according to the foregoing regulations not later than May 1, 1961.
4. The Commission reserves the right to modify after public hearing, any of the provisions of these rules, when, in the opinion of the Commission public interest would be served by so doing.

January 18, 1984

Mr Jack A. McGlothlin  
UTU Kansas State Legislative Director  
Branch P. O. Box 1008  
Pittsburg, Kansas 66762

RE: Caboose Issue.

Dear Jack;

The Railroads seem to be placing alot of confidence in the so called "Wayside Detectors". These detectors, when actuated, are to pin point a hot journal, brake sticking, shifted load or something dragging by counting journals from the problem to the rear of the train. With manned cabooses the problems and bad orders are easily and actually taken care of by recounting from the caboose forward.

The Santa Fe issues each Conductor and Engineer a computer print out consist of their train when going on duty. With this computer consist of the train and all members of the crew on the Engine, we're expected to correctly locate and take care of any problem.

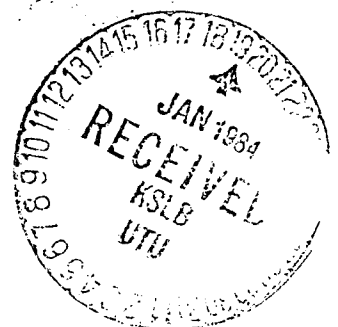
The point I'd like to make is the number of errors and discrepancies in the computer consist of the trains such as cars being omitted from either the train or consist, and trains not standing as the consist shows. When working from the caboose we have a chance to check our trains and note the discrepancies. Another matter of great importance is, we must be constantly aware of the cars with triple axle trucks, these cars must be taken into account when figuring hot box locations and can only be found in the train by a physical check of the train.

I'm enclosing a few copies of the computer train consists with the varies discrepancies noted. The copies account for about fifty percent of the trains I have worked since January 1, 1984.

Fraternally yours,

*Dean*

Dean Moseley, LR  
UTU Local #794  
Box 12  
Wellington, Ks 67152



153 2018 1093

DATE 11 NOV 83 03:49:35 REPORT GENERATION RLW  
SOUP TICKET

WESTBOUND TRAIN <346J2 > AT <WELLINGTO> ON <NOVEMBER 11, 1983> AT <03:42>

THIS IS FOR THE ENTIRE TRAIN -

FIRST CAR - <ATSF 999065>  
LAST CAR - <DODX 40102>

```

*****
*   TOTAL   .   CABOOSE   *
* CARS.LBS.MYS.TONS .LENGTH .INIT.NUMBER*
*====,====,====,====,====,====,====*
*  57 47 18 6680 4512 FT ATSF 999065*
*****

```

48 - 5952

WORKING CABOOSE AND EMPTY-TUFC ARE COUNTED AS LOADS ON THIS SOUP TICKET

\*\*\*\*\* TEN-PACKETS COUNT AS 2 LOADS FOR EACH SET \*\*\*\*\*

\* \* \* \* \*

THERE ARE 18 SPECIAL HANDLING CARS IN THIS TRAIN

..... END REPORT .....

Line 19 NOT IN TRAIN



\* WHEEL REPORT FOR TRAIN <348J2 > IS LISTED BELOW. PLACE AN <X> ON THE F  
 \* LEFT SIDE OF YOUR SCREEN ON EACH LINE THAT YOU DO NOT DESIRE ON  
 \* YOUR SOUP TICKET, TRANSMIT, THEN PRESS THE F-1 KEY.

\* IF YOU DESIRE A SOUP TICKET FOR SEPARATE BLOCKS OF CARS, PLACE AN <X> IN  
 \* THE SECOND COLUMN FROM THE LEFT \*\* (THE FIRST POSITION OF THE SEQUENCE  
 \* NUMBER FIELD)\*\* ON THE FIRST LINE OF EACH SEPARATE BLOCK OF CARS.  
 \* TRANSMIT, THEN PRESS THE F-1 KEY.

\* THIS WILL THEN PROVIDE YOU WITH A FROM-TO LINE FOR EACH BLOCK.

*SEQ.	.CAR.L.	.ON/LIN.	.GRS.FROM	.TO	.OFFLN	DESTIN.				
*NUM.	INIT.	NUMBER	.KND.	E. CONTEN.	DESTIN.	RAJF. WGT. STN	.STN	.CONSIGNEE	.SCHI.	
F(FT & ENTER STATION NUMBERS LEFT-JUSTIFIED AFTER TAB										
1	ATSF	999065	E	1	10747	25	456	10747	IN SERVICE	
2	LITX	200204	F9T L	TOFC25	16604	55	456	16127	HOLDMATE	
*	CRZ	203821	VBX L	PLAN25	16604		456	16127	HOLDMATE	
3	LTTX	550906	F9T L	TOFC11	16126	55	456	16127	TEXASHIGTRAN	
*	XTRZ	296031	VBX L	PLAN11	16126		456	16127	TEXASHIGTRAN	
4	PBNE	921	GJB L	SHAPES	1581	77	456	1371	BERGENSWSTEE	
5	ETJX	900780	M3F L	AUTOS	1371	80	456	1371	FORDMOTOR	
6	CTTX	851389	M3J L	TRUCKS	1371	66	456	1371	FORDMOTOR	
7	SP	515393	M21 L	TRUCKS	1371	55	456	1371	FORDMOTOR	
8	GATX	406640	M3J E		10152	51	456	1371	WTEXENERGY FG	
9	GATX	97380	M3J E		10152	52	456	1371	WTEXENERGY FG	
10	GATX	97340	M3J E		10152	52	456	1371	WTEXENERGY FG	
11	GATX	97469	M3J E		10152	54	456	1371	WTEXENERGY FG	
12	ETTX	853355	M3F L	AUTOS	1371	75	456	1371	FORDMOTOR	
13	ATSF	292148	M3T L	TOFC25	1340	65	456	1371	ALLIANSHIPPE	
*	RFPZ	209691	VBX L	PLAN25	1340		456	1371	ALLIANSHIPPE	
14	TTBX	900092	M20 L	TRUCKS	1371	67	456	1371	FORDMOTOR	
15	ETTX	900142	M3F L	AUTOS	1371	88	456	1371	FORDMOTOR	
16	ATSF	303159	M3C E	H	1416	31	456	1371	AGENT	
17	ATSF	501481	M32 E	H	4194	37	456	1371	AGENT	
18	MP	641762	M3C L	MILSCR	1578	94	456	1371	PROLERINTL	
<del>19</del>	<del>ACFX</del>	<del>17227</del>	<del>M3J L</del>	<del>4904210</del>	<del>4154</del>	<del>SP</del>	<del>128</del>	<del>456</del>	<del>1371</del>	<del>CURTISS AZ NG</del>
<del>20</del>	<del>SPRC</del>	<del>55797</del>	<del>M3L L</del>	<del>CHEESE</del>	<del>1340</del>	<del>105</del>	<del>456</del>	<del>1371</del>	<del>NMDEPPINALM MR40</del>	
21	TTX	982280	M3B L	TOFC50	1594	55	456	1371	SUNCIIDELIVE	
*	AVAZ	258115	V2X L	PLAN50	1594		456	1371	SUNCIIDELIVE	
22	SUEX	2530	M3G E		11972	41	456	10747	WITCOCHEMICA NP	
23	ACFX	78527	M3G E		11972	38	456	10747	WITCOCHEMICA NP	
24	ACFX	23679	M3C E		11379	27	456	10747	WAGNERHEALTH NP	
25	ATSF	622614	M3B E	H	11090	46	456	10747	AGENT	
26	USBX	489106	M3C E		10784	31	456	10747	USBORCHEMICA	
27	USBX	488957	M3C E		10784	31	456	10747	USBORCHEMICA	
28	USBX	489053	M3C E		10784	31	456	10747	USBORCHEMICA	
29	USBX	488949	M3C E		10784	31	456	10747	USBORCHEMICA	
30	ACFX	44728	M3C E		10784	28	456	10747	USBORCHEMICA	
31	ATSF	622883	M3B E	H	11090	45	456	10747	LOWINE	
32	ATSF	622662	M3B E	H	11090	46	456	10747	LOWINE	
33	LNAC	5849	M3B E	A	11090	MET	42	456	10747	EMUDESTD LA
34	ATSF	47082	M3L L	FURN	12179	74	456	10747	STEELCASE	
35	ATSF	47080	M3L L	FURN	12179	83	456	10747	STEELCASE	
36	ATSF	47081	M3L L	FURN	12179	86	456	10747	STEELCASE	
37	STLX	25083	M3E L	CRNSYR	12180	131	456	10747	BARNUNE NP	
38	ADMX	25134	M3H L	CHMPRU	13112	142	456	10747	FRIIDLAY NP	
39	UTLX	71648	M3E L	CRNSYR	12268	126	456	10747	KELCO NP	
40	ATSF	314633	M3E L	SENEAL	12609	115	456	10747	ALPFRUCESSEN	
41	ATSF	30379	M3C L	SENEAL	11080	117	456	10747	ALPFRUCESSEN	

42	ATSF	313107	LDC	L	SBMEAL	13321		115	456	10747	ADMPROCESSIN
43	ATSF	312893	LDC	L	SBMEAL	12609		115	456	10747	ADMPROCESSIN
44	ATSF	313279	LDC	L	SBMEAL	13316		115	456	10747	ADMPROCES
45	ATSF	313517	LDC	L	SBMEAL	12718		116	456	10747	ADMPROCESSIN
46	ATSF	315589	LDC	L	SBMEAL	12609		116	456	10747	ADMPROCESSIN
47	NAHX	58323	CSI	L	PLASTC	13166		121	456	10747	PHILLICHEMIC
48	ACFX	59588	CSI	L	PLASTC	12173		63	456	10747	COSDENOILCHE
49	ACFX	78654	ISF	L	CRNPRD	12503	SP	109	456	10747	CARMENITA CA NP
50	CCLX	1708	ISF	L	CRNPRD	12503	SP	112	456	10747	CARMENITA CA NP
51	ACFX	78652	ISF	L	CRNPRD	12503	SP	109	456	10747	CARMENITA CA NP
52	ITAX	982764	P9B	L	TOFC25	10747		55	456	10747	VICTORTRK
*	MILZ	630581	V1X	L	PLAN25	10747			456	10747	VICTORTRK
53	DRGW	62038	LIA	L	SNAPKN	12165		52	456	10747	KIMBERCLARK
54	DRGW	62006	LIA	L	SNAPKN	12165		52	456	10747	KIMBERCLARK
55	ITX	477556	P8T	L	TOFC25	12081		55	456	10747	CALWSHIPPERS
*	REAZ	654899	V2X	L	PLAN25	12081			456	10747	CALWSHIPPERS
56	DODX	40080	FFC	L	TANKS	10740		155	456	10747	TRANSPOFFFTI HL
57	DODX	40091	FFC	L	TANKS	10740		155	456	10747	TRANSPOFFFTI HL
58	DODX	40237	FC7	L	TANKS	10740		155	456	10747	TRANSPOFFFTI HL
59	DODX	40128	FC7	L	TANKS	10740		155	456	10747	TRANSPOFFFTI HL
60	DODX	40119	FC7	L	TANKS	10740		155	456	10747	TRANSPOFFFTI HL
61	DODX	40129	FC7	L	TANKS	10740		154	456	10747	TRANSPOFFICE HL
62	DODX	40125	FC7	L	TANKS	10740		155	456	10747	TRANSPOFFFTI HL
63	HTTX	93783	FC6	L	TRUCKS	13804		85	456	10747	HARPERROBINS HL
64	TTHX	92535	FC6	L	CSTMCH	11190		84	456	10747	HARPERROBINS HLDH
65	DODX	40099	FFC	L	Y	10740		138	456	10747	TRANSPOFFFTJ HL
66	DODX	40218	FC7	L	TANKS	10740		155	456	10747	TRANSPOFFFTI HL
67	DODX	40102	FC7	L	TANKS	10740		155	456	10747	TRANSPOFFFTI HL

..... END REPORT .....

92 235

SOUP TICKET

VERFOLK  
RFOLK  
HIS

VI  
VA  
MO  
NO  
PA  
IL NP

EASTBOUND TRAIN <901A1 > AT <WAYNOKA > ON <JANUARY 3, 1984 > AT

THIS IS FOR THE ENTIRE TRAIN -

FIRST CAR - <ATSF 999128 >

LAST CAR - <ITX 477099 >

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*****
*   TOTAL           . CABOOSE   *
* CARS.LDS.MTYS.TONS . LENGTH   . INIT.NUMBER*
*====,===,====,====,====,====,====,====*
* 73 53 20 5880 4504 FT ATSF 999128*
*****

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WORKING CABOOSE AND EMPTY TOFC ARE COUNTED AS LOADS ON THIS SOUP TICKET

\*\*\*\*\* TEN-PACKERS COUNT AS 5 LOADS FOR EACH SET \*\*\*\*\*

\* \* \* \* \*

THERE ARE 21 SPECIAL HANDLING CARS IN THIS TRAIN

*ATSF 524172 STANDS*

*Note - between line 59 & 60*

*line 69 & 70 stand reversed*

TRACK

SEQ. CAR	CAR	CAR.L.	ON/LIN.	GRS.FROM	TO	OFFLN DESTIN.
NUM. INIT.	CAR NUMBER	KND. E. CONTEN.	DESTIN. RAJP.	WGT. STATN.	STATN.	CONSIGNEE
						SCHI.
1	ATSF 997128	✓ 2 E	1 456	31		IN SERVICE
2	MTLW 93845	✓ N6D E A	456 MTLW	48		STPAUL MN
3	GATX 40432	✓ T4D E	90 CR	28		WYANDOTTE MI
4	GATX 53247	✓ T5F E	456 CNW	35		DESMOINES IA NP
NO PLACARDS REQUIRED						
5	ATSF 47074	✓ T12 E	178	38		AGENT
6	ATSF 51522	✓ B5H L COTTON	456 MP	74		ROARAPIUS NC
7	CR 166483	✓ B5H E A	90 CR	27		STREATOR IL
8	GATX 38741	✓ T5F L JUICES	90 CR	131		DUNKIRK NY NP
NO PLACARDS REQUIRED						
9	DOWX 2752	✓ C2C E	456 BN	28		TAYLOR WI
10	DOWX 2695	✓ C2C E	456 BN	29		TAYLOR WI
11	DOWX 2007	✓ C2 E	456 BN	29		TAYLOR WI
12	DOWX 2042	✓ C2 E	456 BN	28		TAYLOR WI
13	GBW 9050	✓ C3C E A	456 BN	28		TAYLOR WI
14	GBW 9030	✓ C3C E A	456 BN	28		TAYLOR WI
15	ATSF 51160	✓ B5H L COTTON	456 MP	76		GREENVILL SC
16	ATSF 51691	✓ B5H L COTTON	456 MP	76		FAIRFAX AL
17	ATSF 51380	✓ B5H L COTTON	456 MP	75		GREENVILL SC
18	ATSF 51146	✓ B5H L COTTON	456 MP	73		GREENVILL SC
19	ATSF 51081	✓ B5 L COTTON	456 MP	73		ROARAPIUS NC
20	KJRY 685	✓ CDC E H	235 TPW	32		KEOKUK IA
21	DUPX 20668	✓ T4F E	456 NWE	38		LOUISVILL KY NG
NONFLAMMABLE GAS						
22	NW 702400	✓ BEW E A	456 NW	34		KANS CITY KS
23	NW 702468	✓ BEW E A	456 NW	34		KANS CITY KS
24	USBX 488952	✓ C4C L SODIUM	90	132		USBORCHEMICA
25	USBX 488830	✓ C4C L SODIUM	90	131		USBORCHEMICA
26	TIMX 302051	✓ CDC L SODIUM	456 UP	131		OWENSONRFBE
27	USBX 488946	✓ C4C L SODIUM	90 CR	131		WILCOI NJ
28	TIMX 302106	✓ CDC L SODIUM	90 CR	131		ALBION MI
29	USBX 488960	✓ C4C L SODIUM	90	130		USBORCHEMICA
30	USBX 488845	✓ C4C L SODIUM	90 CR	101		CHARLEROI PA
31	USBX 488899	✓ C4C L SODIUM	6 GTW	130		SARNIA ON
32	USBX 489038	✓ C4C L SODIUM	6 GTW	131		MONCTON NB
33	USBX 489106	✓ C4C L SODIUM	6 GTW	130		CANDIAC PQ
34	USBX 488812	✓ C4C L SODIUM	90	130		USBORCHEMICA
35	USBX 489020	✓ C4C L SODIUM	90	130		USBORCHEMICA
36	USBX 488809	✓ C4C L SODIUM	90	130		USBORCHEMICA
37	USBX 488931	✓ C4C L SODIUM	90	130		USBORCHEMICA
38	ATSF 524670	✓ J5B L SODIUM	90 CR	94		INDIANAPOLIS IN
39	ATSF 521535	✓ J5Q L SODIUM	6 NW	91		BRANPTON ON
40	UTLX 67681	✓ T4F E	6 IRC	35		CHICAGO IL NP
NO PLACARDS REQUIRED						
41	SM 4154	✓ BEH E A	456 BN	32		KANS CITY KS
42	SM 2050	✓ BEQ E A	456 BN	32		KANS CITY KS
43	ATSF 623039	✓ J6 L WINE	6 MTLW	99		NINN TRANSF SHPS
HEATER BURNING						
44	ATSF 622492	✓ J6B L WINE	456 NW	103		NASHUA NH SHPS
HEATER BURNING						
45	ATSF 621933	✓ J6B L WINE	90 CR	104		SDHAINTREE MA
46	SM 9050	✓ BEH E	456 BN	30		KANS CITY MO
47	SM 9066	✓ BEH E	456 BN	30		KANS CITY MO
48	ATSF 622204	✓ J6F L COCOBN	90 CR	108		REDFIELD PA

49	TTX	971544	PAN L TO	32	456	NWF	55	NORFOLK	VA
	FREJ	202608	K L PL	32	456	NWF	400	NORFOLK	VA
50	ATSF	291902	PUG L TOFC25		456	NWC	55	ST LOUIS	MO
	REAZ	654202	V2X L PLAN25		456	NWC		ST LOUIS	MO
51	CHVX	280044	T5G L PETRPD		90	CR	114	PHILADELPHIA	PA
52	ACFX	83758	T5F L VEGOIL		456	ICG	111	MILLSDALE	IL NP
NO PLACARDS REQUIRED									
53	ATSF	520689	U5Q L SUGAR		456	NWB	93	DANVILLE	IL
54	ATSF	625003	U6S L SUGAR		456	CNW	105	BOONE	IA
55	ATSF	620009	U6P L SUGAR		456	MP	99	ST LOUIS	MO
56	ATSF	620595	U6P L SUGAR		456	CNW	99	MINTRANSF	MN
57	ATSF	622408	U6B L SUGAR		456	CNW	101	MINTRANSF	MN
58	ATSF	622701	U6B L SUGAR		456	CNW	101	MINTRANSF	MN
59	ATSF	520906	U5Q L SUGAR		456	CNW	93	LOUISA	IA
60	RUSX	2520	T5G L 4910185		219	TPW	113	MAPLETON	IL FL
FLAMMABLE LIQUID									
61	GATX	50994	T5G L 4910185		219	TPW	113	MAPLETON	IL FL
FLAMMABLE LIQUID									
62	RUSX	2524	T5G L 4910185		219	TPW	112	MAPLETON	IL FL
FLAMMABLE LIQUID									
63	UTLX	71055	T4F L VEGOIL		6	BRC	108	CHICAGO	IL NP
NO PLACARDS REQUIRED									
64	UTLX	70332	T4F L VEGOIL		6	BRC	109	CHICAGO	IL NP
NO PLACARDS REQUIRED									
65	CHVX	280073	T5G L FUELOL		6	CR	109	ELIZABETH	NJ NP
NO PLACARDS REQUIRED									
66	TTX	255466	PUG L NOBILL		6		55	AGENT	MR36
	COOZ	501281	VV L UNKNOW		6			AGENT	MR36
MECH PROTECTION MAINTAIN 36									
67	TTX	158510	PTG L TOFC30		6		55	MIDLAND	MR36
	FIGZ	554410	V L PLAN30		6			MIDLAND	MR36
MECH PROTECTION MAINTAIN 36									
68	CHVX	280088	T5G L PETRPD		6	BOB	114	LEESBURG	OH NP
NO PLACARDS REQUIRED									
69	TTX	152363	PUG L TOFC30		6		55	CORNUCTRANSP	MR50
	CRAZ	503950	V L PLAN30		6			CORNUCTRANSP	MR30
MECH PROTECTION MAINTAIN 50									
70	TTX	603872	PUG L TOFC30		6		55	INTERMEXPRES	MR45
	IMXZ	500001	V6J L PLAN30		6			INTERMEXPRES	MR45
MECH PROTECTION MAINTAIN 45									
71	TTX	601872	PTG L TOFC30		6		75	NATLPIGSERVI	MR36
	BRAZ	594844	V7J L PLAN30		6			NATLPIGSERVI	MR36
MECH PROTECTION MAINTAIN 36									
	BRAZ	584782	V6J L PLAN30		6			NATLPIGSERVI	MR36
MECH PROTECTION MAINTAIN 36									
72	TTX	151536	PTG L TOFC30		6		75	LASHAMCARTAG	MR36
	FREZ	500785	VFG L PLAN30		6			LASHAMCARTAG	MR36
MECH PROTECTION MAINTAIN 36									
	SEAU	774354	V20 L PLAN32		6		40T	COLLECUSTOM	
73	TTX	477099	PTG L TOFC30		6		55	LASHAMCARTAG	MR36
	IMXZ	500088	V7J L PLAN30		6			LASHAMCARTAG	MR36
MECH PROTECTION MAINTAIN 36									

END 73 CARS 53 LOADS 20 MYS 5880 TONS 4504 FEET IN LENGTH  
 ..... END REPORT .....

ATSF 524172

5988-8728 ISOLATED 8038-5029-8104 MOSELEY-BAIR

.DATE 24 FEB 83 10:12:38 REPORT GENERATION JPG  
. FREE FORM :75 <<<<<< S O U P T I C K E T >>>>>

TRAIN 189D-1 ORDERED FOR 600P DATE 1-5-84 CABOOSE 422 TRAIN 4300  
LOADS 55 EMPTIES 0 TONS 3622 PERISHABLES.....

\* HI WIDE LOADS (SEE MSG(S) ATTACHED) \* CARS WITH SPEED RESTRICTIONS  
Computer Down ..... MPH ..... MPH  
No Computer Print out ..... MPH ..... MPH  
..... MPH ..... MPH

\*LIST ABOVE: FILE NUMBER, CAR INITIAL AND NUMBER. SHOW (0) WHEN NONE IN TRAIN.

SEE ATTACHED SOUP AND TRAIN CONSIST PREPARED BY THE COMPUTER FOR EXACT NUMBER AND LOCATION OF HAZARDOUS MATERIAL AND SPECIAL HANDLING CARS IN YOUR TRAIN

SHORTS/STATION LOADS EMPTIES TONS

ALL-THRU

C.E.M. 535P  
<INITIALS> <TIME>

S O U P   T I C K E T

EASTBOUND TRAIN <901F8 > AT <WAYNOKA > ON <JANUARY 8, 1984> AT <18:27>

THIS IS FOR THE ENTIRE TRAIN --

FIRST CAR - <ATSF 999294>

LAST CAR - <SFRC 56225>

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*****
*   T O T A L           .   C A B O O S E   *
* CARS, LDS, MTYS, TONS, LENGTH, INIT, NUMBER *
*====,====,====,====,====,====,====*
* 42 42 0 3522 2948 FT ATSF 999294*
*****

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41 41 3458

WORKING CABOOSE AND EMPTY TOFC ARE COUNTED AS LOADS ON THIS SOUP TICKET  
\*\*\*\*\* TEN-PACKERS COUNT AS 5 LOADS FOR EACH SET \*\*\*\*\*

THERE ARE 15 SPECIAL HANDLING CARS IN THIS TRAIN  
..... END REPORT .....

Line 11 STANDS between Line 2 & 3

Line 26 NOT IN TRAIN

\* TRACK  
 \* SEQ. CAR CAR CAR. L. ON/LIN. ORS. FROM TO OFFLN DESTIN.  
 \* NUM. INIT. NUMBER KIND E. CONTEN. DESTIN. RAUP. WGT. STATN. STATN. CONSIGNEE SCHI.

SEQ.	CAR	CAR	CAR. L.	ON/LIN.	ORS. FROM	TO	OFFLN DESTIN.	
1	ATSF	999294	E C	1	456	31	IN SERVICE	
2	LTTX	501245	FTE L	TOFC25	456	MILW	55	DAVENPORT IA
*	SFTZ	700002	VCL L	PLAN25	456	MILW		DAVENPORT IA
3	ATSF	45527	BET L	COTTON	456	MP	85	GREENVILLE SC
4	ATSF	48543	BET L	COTTON	456	MP	84	WPTPEPMFG
5	ATSF	47473	BET L	COTTON	456	MP	81	GREENVILLE SC
6	ATSF	45565	BET L	COTTON	456	MP	85	ROARAPIDS NC
7	ATSF	522722	15B L	CNGDS	6	HW	75	FTWAYNE IN
8	ATSF	524755	15B L	CNGDS	6	CR	75	MECHANICSEPA
9	ATSF	622016	16B L	CNGDS	178	BN	75	ROCHELLE IL
10	GATX	14511	T5F L	CONC	456	HW	80	NEAST PA NP

NO PLACARDS REQUIRED

* 11	TTX	153499	YPTG L	TOFC25	456	55	PBSERVICES	
*	SFTZ	251928	V2X L	PLAN25	456		PBSERVICES	
12	TTAX	970850	PAM L	TOFC25	456	55	JOPENNEY	
*	SSIU	229526	V L	PLAN25	456	40T	JOPENNEY	
13	WTTX	912979	PUI L	TOFC50	456	75	WAGNERCARGER	
*	SFTZ	730141	V4C L	PLAN50	456		WAGNERCARGER	
*	XSPZ	250156	V2X L	PLAN25	456		BARCLACARTAG	
14	TTX	479536	PTE L	TOFC25	456	NWF	55	COLUMBUS OH
*	NOSU	417391	V L	PLAN25	456	NWF	40T	COLUMBUS OH
15	ATSF	621971	16B L	CNDGDS	456	NWB	122	FTWAYNE IN
16	ATSF	622512	16B L	CNDGDS	456	KCS	112	GREENVILLE SC
17	ATSF	622904	16B L	CNDGDS	456	NWB	121	FTWAYNE IN
18	ATSF	525767	15B L	CNDGDS	90	CR	103	DANJCT MA
19	ATSF	622040	16B L	CNDGDS	90	CR	102	HERSHEY PA WH

WEIGH

20	ATSF	621650	16B L	WINE	90	CR	108	GUICENTER NY
21	SFRC	56141	R5L L	ORNGS	456	BN	75	WINNIPEG MAN MR42
22	SFRC	55119	R4M L	ORNGS	456	NWC	44	STLOUIS MO MR40
23	SFRC	56309	R5L L	BUTTER	456		94	USDEPAGRICUL. NR

MECH PROTECTION MAINTAIN 0

24	WTTX	912979	PUI L	TOFC50	456	NWB	75	FTWAYNE IN
*	MILZ	250356	V2X L	PLAN25	456	NWB		FTWAYNE IN
*	REAZ	351640	V2X L	PLAN25	456	NWB		FTWAYNE IN
25	TTX	155905	V2X L	PLAN25	456		55	YORICKRACK
*	MILZ	250356	V2X L	PLAN25	456			YORICKRACK

MECH PROTECTION MAINTAIN 0

NIT

* 26	ATSF	292190	PTE L	TOFC25	6		75	BALTIMOHIRR NOT IN TRN
*	MPZ	203350	V2X L	PLAN25	6			BALTIMOHIRR
*	REAZ	350346	V2X L	PLAN50	6			NTR AND
27	ATSF	257048	V2X L	TOFC25	6		75	TRANSALL
*	SCUZ	450569	V1X L	PLAN25	6			TRANSALL
*	XSCZ	274925	V2X L	PLAN25	6			CONSO RAIL
28	ATSF	207338	V2X L	TOFC25	6		55	GENLFOODS
*	NACZ	651783	V2X L	PLAN25	6			GENLFOODS
29	STTX	912178	PUI L	TOFC25	6		75	GENLFOODLEET
*	REAZ	353605	V2X L	PLAN25	6			GENLFOODLEET
*	CRZ	251754	V2X L	PLAN25	6			TRANSALL
30	SFRC	55342	R5L L	ORNGS	6	BTU	95	RENTON PA MR47

MECH PROTECTION MAINTAIN 0

31	ATSF	621650	16B L	WINE	90	CR	108	GUICENTER NY
32	ATSF	621650	16B L	WINE	90	CR	108	GUICENTER NY



SR	DESCRIPTION	MAINTAIN	SR	LOCATION
33	MECH PROTECTION MAINTAIN 35 55372 R5M L CARRTS 6 HB 111	35		MUSCONVILLE MR34
34	MECH PROTECTION MAINTAIN 36 56641 R5L L ORANGS 6 STW 98	36		TORONTO ON MR42
35	MECH PROTECTION MAINTAIN 42 55273 R5M L ORANGS 6 PCB 98	42		PHILADELPHIA PA MR42
36	MECH PROTECTION MAINTAIN 42 56197 R5L L ORANGS 6 PCB 99	42		GRARAPIDS MI MR40
37	MECH PROTECTION MAINTAIN 40 55778 R5L L ORANGS 6 STW 98	40		TORONTO ON MR40
38	MECH PROTECTION MAINTAIN 40 56097 R5L L ORANGS 6 STW 98	40		MONTREAL PQ MR42
39	MECH PROTECTION MAINTAIN 42 56438 R5L L CARRTS 13 HB 95	42		EVERETT MA MR35
40	MECH PROTECTION MAINTAIN 35 56429 R5L L CARRTS 13 HB 101	35		HUNPT NY MR34
41	MECH PROTECTION MAINTAIN 34 57014 R5L L CARRTS 13 HB 104	34		ELIZABETH NJ MR34
42	MECH PROTECTION MAINTAIN 34 56225 R5L L ORANGS 13 HB 99	34		ELIZABETH NJ MR40
	MECH PROTECTION MAINTAIN 40	40		

<END 42 CARS 42 LOADS 0 MTYS 3503 TONS 2948 FEET IN LENGTH>  
 ..... END REPORT .....

NOTE - LINES 64-65-66-67 STANDS AHEAD OF LINE 79

DATE 10 JAN 84 04:52:28 REPORT GENERATION DAL  
SOUP TICKET

WESTBOUND TRAIN <34812 > AT <WELLINGTO> ON <JANUARY 10, 1984> AT <04:51>

THIS IS FOR THE CARS WHEELED - TO STATION 1371 THRU 10747  
FIRST CAR - <ATSF 999220>  
LAST CAR - <TTAX 973143>

\*\*\*\*\*  
\* TOTAL CABOOSE \*  
\*CARS.LDS.MTYS.TONS.LENGTH.INIT.NUMBER\*  
\*====,====,====,====,====,====,====,====\*  
\* 79 44 35 5522 5224 FT ATSF 999220\*  
\*\*\*\*\*

WORKING CABOOSE AND EMPTY TOFC ARE COUNTED AS LOADS ON THIS SOUP TICKET  
\*\*\*\*\* TEN-PACKERS COUNT AS 5 LOADS FOR EACH SET \*\*\*\*\*

\* \* \* \* \*

THERE ARE 16 SPECIAL HANDLING CARS IN THIS BLOCK  
CONSULT THE ATTACHED LIST OR WHEEL REPORT FOR EXACT LOCATION IN YOUR TRAIN

1	ATSF	999220	Z	E CREW	10747	31	456	10747	INSERVICE	
2	TTX	250816	PUG	L TOFC25	1340	55	456	1371	DUKECITWHSE	
*	SOUZ	650117	VIX	L PLAN25	1340		456	1371	DUKECITWHSE	
3	ATSF	296381	PRI	L TOFC25	1340	55	456	1371	SANTAFETRATR	
*	MILZ	203321	VBX	L PLAN25	1340		456	1371	SANTAFETRATR	
4	SOU	50770	M2N	L TRUCKS	1371	63	456	1371	FORDMOTOR	
5	ETTX	853258	M3F	L TRUCKS	1371	74	456	1371	FORDMOTOR	
6	DTS	5726	LKO	L CEREAL	10344	76	456	1371	RALSTOPURINA	
7	APA	1838	BET	E A	10253	APA	35	456	1371	HOLBROOK AZ
8	ATSF	296187	PRI	E H	12144	30	456	1371	AGENT	BT
9	ATSF	296169	PRI	E H	12144	31	456	1371	AGENT	BT
10	ATSF	292227	PTE	E H	12144	32	456	1371	AGENT	BT
11	ATSF	296414	PRI	E H	12144	30	456	1371	AGENT	BT
12	USBX	488909	C4C	E	10784	30	456	1371	USBORCHEMICA	
13	USBX	489010	C4C	E	10784	30	456	1371	USBORCHEMICA	
14	SFLC	902049	PAN	E H	12144	34	456	1371	AGENT	BT
15	SFLC	902194	PAN	E H	12144	34	456	1371	AGENT	BT
16	SFLC	901069	PAN	E H	12144	34	456	1371	AGENT	BT
17	ATSF	290432	PUG	E H	12144	35	456	1371	AGENT	BT
18	SFRC	56076	R5L	E	10747	44	456	1371	AGENT	
19	SFRC	55664	R5L	E	10747	43	456	1371	AGENT	
20	TIMX	302005	CDC	E	10784	31	456	1371	USBORCHEMIC	
21	UTLX	72758	T5G	E	11190	37	456	1371	CHEVROCHEMIC	CB
				COMBUSTIBLE						
22	CHVX	280053	T5G	E	11190	39	456	1371	CHEVROCHEMIC	CB
				COMBUSTIBLE						
23	LNAC	5878	JSB	E A	11090	MET	42	456	1371	MODEMPJCT CA
24	TIMX	302028	CDC	E	10784	31	456	1371	USBORCHEMICA	
25	PTLX	45057	C51	E	13157	33	456	1371	DOWCHEMICAL	
26	LNAC	5532	JSB	E A	11090	MET	42	456	1371	MUDCOLONY CA
27	SFRC	56230	R5L	E	10747	44	456	1371	AGENT	
28	SFRC	56407	R5L	E	10747	44	456	1371	AGENT	
29	LNAC	5540	JSB	E A	11090	MET	42	456	1371	MUDCOLONY CA
30	SFRC	55367	R5M	E	10747	45	456	1371	AGENT	
31	WP	66153	J6S	E A	11122	WP	45	456	1371	STOCKTON CA
32	SFRC	56413	R5L	E	10747	44	456	1371	AGENT	
33	LNAC	5843	JSB	E A	11090	MET	42	456	1371	ERUPRESTO CA
34	LNAC	5765	JSB	E A	11090	MET	42	456	1371	ERUPRESTO CA

35	GATX	11839	T5F E	11972	31	456	1371	GOLDENBEAREF	NP
			NO PLACARDS REQUIRED						
36	UTLX	66730	T4E L	CRNSYR 12168	127	456	1371	DORICFOODS	NP
			NO PLACARDS REQUIRED						
37	NAHX	44529	CDC E	10784	31	456	1371	USBORCHEMIC	
38	IC	86197	H3C L	COKE 12089	100	456	1371	BLACKPRODUCT	
39	ICG	363339	H3C L	COKE 12089	104	456	1371	BLACKPRODUCT	
40	SQU	77225	H3C L	COKE 12089	99	456	1371	BLACKPRODUCT	
41	ATSF	292105	PTE E H	12144	32	456	1371	AGENT	BT
42	NW	860505	07 L	PLSTCS 13157	66	456	1371	DOWCHEMICAL	
43	PC	576460	GIC L	INGOTS 12179	69	456	1371	SMITHTOOL	
44	USBX	489117	C4C E	10784	31	456	1371	USBORCHEM	
45	ACFX	64295	C3I E	10784	29	456	1371	USBORCHEMICA	
46	NCTX	24052	T5H L	4910225 10888 SP	117	456	1371	BURLINGAM CA	FL
			FLAMMABLE LIQUID						
47	STE	1993	J5P E A	11122 STE	40	456	1371	STOCKTON CA	
48	NAHX	93758	C2L E	11806	30	456	1371	UNTWESFOODS	NP
			NO PLACARDS REQUIRED						
49	ATSF	47082	DI1 L	FURN 12179	74	456	1371	STEELCASE	
50	ATSF	15694	D5 L	FURN 12179	74	456	1371	STEELCASE	
51	RAIX	8051	T5G L	GLYCOL 13157	137	456	1371	UNIONCARBIDE	NP
			NO PLACARDS REQUIRED						
52	ATSF	622627	J6B L	TISSUE 12165	65	456	1371	KIMBERCLARK	
53	ATSF	622004	J6B L	TISSUE 12165	65	456	1371	KIMBERCLARK	
54	ATSF	622762	J6B L	TISSUE 12165	65	456	1371	KIMBERCLARK	
55	ATSF	200617	YL L	RWYPTS 12081	68	456	1371	ATSFRR	
56	ATSF	520716	J5T L	INSLMT 13161	46	456	1371	THORPEINSULA	
57	NAHX	525041	C5I L	PLASTC 12089	130	456	1371	COSDENOILCHE	
58	NAHX	525048	C5I L	PLASTC 12089	131	456	1371	COSDENOILCHE	
59	GACX	51450	C5I L	FLASTC 12089	129	456	1371	COSDENOILCHE	
60	KJRY	607	CDC L	GLMEAL 12609	110	456	1371	UPLANDFEED	
61	RUSX	9006	C5I L	PLASTC 12180	119	456	1371	GOLDENWPLAST	
62	RUSX	9105	C5I L	PLASTC 12180	130	456	1371	GOLDENWPLAST	
63	CNW	169193	C3I L	GDSAND 12117	129	456	1371	REICHHCHEMIC	
64	HITX	95035	FC6 L	TRUCKS 11200	64	456	1371	HARPERROBINS	HL
			EXCESSIVE DIMENSIONS						
65	DODX	38156	F5C L	TANKS 10740	138	456	1371	TRANSPOFFANN	HL
			EXCESSIVE DIMENSIONS						
66	DODX	38136	F5C L	TANKS 10740	131	456	1371	TRANSPOFFANN	HL
			EXCESSIVE DIMENSIONS						
67	DODX	39122	F5C L	TANKS 10740	161	456	1371	TRANSPOFFANN	HL
			EXCESSIVE DIMENSIONS						
68	PLCX	43835	C5I L	SBMEAL 12718	75	564	1371	STARMLG	
69	PLCX	43843	C5I L	SBMEAL 12718	125	564	1371	MCANALENTERP	
70	PLCX	43773	C5I L	SBMEAL 12718	126	564	1371	STARMLG	
71	ATSF	621874	J6B L	FEED 11122 SP	79	564	1371	CLACKAMAS OR	
72	ATSF	622354	J6B L	FEED 11122 WP	79	564	1371	BELLEVUE WA	
73	TILX	511509	CDC L	SBMEAL 13316	122	564	1371	PIONEEMILLS	
74	DRGW	13506	CEI L	GRNPRD 12119	99	564	1371	MILLERBREWIN	
75	ATSF	302689	CDC L	CORN 12141	130	564	1371	CALTEXCORPRO	
76	ATSF	311625	CDC L	CORN 12141	128	564	1371	CALTEXCORPRO	
77	ATSF	521484	J5Q L	FLOUR 12179	92	564	1371	LUCKYSTORES	
78	ATSF	12917	DE1 L	HIDES 12144	97	564	1371	VERNONLEATHE	
79	TTAX	973143	FAM L	TOPC23 11190	99	564	1371	PROTEUSMGNTD	
*	AKLU	262860	K L	PLAN23 11651	200	564	1371	PROTEUMANAGE	WH
			WEIGH						
*	AKLU	262753	K L	PLAN23 11651	200	564	1371	PROTEUSMGNTD	WH
			WEIGH						
*	AKLU	260021	K L	PLAN23 11651	200	564	1371	PROTEUMANAGE	WH
			WEIGH						

WESTBOUND TRAIN <188N1> AT <WELLING10> ON <JANUARY 14, 1984> AT <14:54>

THIS IS FOR THE CARS WHEELED - TO STATION 10747 THRU 10747  
FIRST CAR - <ATSF 999752>  
LAST CAR - <ATSF 298948>

\*\*\*\*\*  
\* TOTAL CABOOSE \*  
\* CARS.LDS.MTYS.TONS .LENGTH .INIT.NUMBER\*  
\*====,====,====,====,====,====,====,====\*  
\* 18 12 0 3402 5160 FT ATSF 999752\*  
\*\*\*\*\*

51 56 56 3102

WORKING CABOOSE AND EMPTY TOFC ARE COUNTED AS LOADS ON THIS SOUP TICKET.  
\*\*\*\*\* TEN-PACKERS COUNT AS 5 LOADS FOR EACH SET \*\*\*\*\*

\* \* \* \* \*

THERE ARE 33 SPECIAL HANDLING CARS IN THIS BLOCK  
CONSULT THE ATTACHED LIST OR WHEEL REPORT FOR EXACT LOCATION IN YOUR TRAIN

Not  
N

1	ATSF	999752	E CREW	10747	25	456	10747	INSERVICE
2	ATSF	298958	QJ5 L TOFC25	12144	307	456	10747	GTE
	FREZ	550853	V6C L PLAN25	12144		456	10747	MERCHASTODOR MCNR
			NO REFRIGERATION REQUIRED					
	REAZ	656210	V2X L PLAN25	12144		456	10747	HOLDMATE
	SFTZ	253492	V2X L PLAN25	12144		456	10747	DEVCO DISTRIB
	AXXZ	595781	V L PLAN25	12144		456	10747	RCSONS MCNR
			NO REFRIGERATION REQUIRED					
	REAZ	655410	V2X L PLAN25	12144		456	10747	HOLDMATE
	CRZ	252222	V2X L PLAN25	12144		456	10747	HOLDMATE
	MILZ	250618	V2X L PLAN25	12144		456	10747	HOLDMATE
	SFTZ	256149	V1X L PLAN25	12144		456	10747	INTERMCDNSOL
	NWZ	658659	V2X L PLAN25	12144		456	10747	GTE
	SFTZ	251916	V2X L PLAN25	12144		456	10747	SUPERIWHSE
3	ATSF	298976	QJ5 L TOFC25	12144	307	456	10747	HOLDMATE
	REAZ	654955	V2X L PLAN25	12144		456	10747	HOLDMATE
	BRAZ	594460	V7J L PLAN25	12144		456	10747	HOLDMATE MR60
			MECH PROTECTION MAINTAIN 60					
	FREZ	550834	V6C L PLAN25	12144		456	10747	GOLDENEAGLE MCNR
			NO REFRIGERATION REQUIRED					
	BRAZ	594866	V7J L PLAN25	12144		456	10747	MERCHASTODOR MCNR
			NO REFRIGERATION REQUIRED					
	BRAZ	594330	V L PLAN25	12144		456	10747	MERCHASTODOR MCNR
			NO REFRIGERATION REQUIRED					
	AVAZ	250555	V2X L PLAN25	12144		456	10747	WESTRAFRT
	SFTZ	251989	V2X L PLAN25	12144		456	10747	HOLDMATE
	ICGZ	270047	VBC L PLAN25	12144		456	10747	PONY
	XSPZ	273350	VBX L PLAN25	12144		456	10747	HOLDMATE
	SOUZ	208224	VAX L PLAN25	12144		456	10747	HOLDMATE
4	ATSF	298973	QJ5 L TOFC25	12144	307	456	10747	STROHS
	SBDZ	630237	V2X L PLAN25	12144		456	10747	VIKINGFRISYS
	SFTZ	630150	V2X L PLAN25	12144		456	10747	ITUFGA
	CRAZ	503709	V L PLAN25	12144		456	10747	SOUICAL MCNR
			NO REFRIGERATION REQUIRED					
	REAZ	652695	V2X L PLAN25	12144		456	10747	HOLDMATE
	IMSZ	255079	V L PLAN25	12144		456	10747	COOPERSERVIC MCNR
			NO REFRIGERATION REQUIRED					
	NALZ	651884	V2X L PLAN25	12144		456	10747	MERCHASTODOR

*	NACZ	653067	V2X	L	PLAN25	12144		456	10747	GATRUCKING	
*	SKRZ	250267	V2X	L	PLAN25	12144		456	10747	COOPERSERVIC	
*	RGWZ	272719	VBX	L	PLAN25	12144		456	10747	STROHS	
*	XTRZ	292570	VBX	L	PLAN25	12144		456	10747	MERCHASTODDR	
5	ATSF	298984	QJ5	L	TOFC25	12144	307	456	10747	CUSTOMTRKG	MR50
.										MECH PROTECTION MAINTAIN 50	
*	WHTZ	91105	V	L	PLAN11	12144		456	10747	ORCAL	MCNR
.										NO REFRIGERATION REQUIRED	
*	IEAU	411165	K	L	PLAN25	12144	40T	456	10747	KINGDELIVERY	
*	NYKU	673297	K	L	PLAN25	12144	40T	456	10747	SCALMOTDELIV	
*	AXXZ	589149	V	L	PLAN25	12144		456	10747	CLIPPEEXPRE	MR60
.										MECH PROTECTION MAINTAIN 60	
*	REAZ	280799	VBX	L	PLAN25	12144		456	10747	HOLDMATE	
*	SEAU	411947	KIG	L	PLAN25	12144	40T	456	10747	HOLDMATE	
*	COOZ	501205	V	L	PLAN25	12144		456	10747	ISECODISTRIB	MCNR
.										NO REFRIGERATION REQUIRED	
*	CRAZ	570082	V	L	4950140	12144		456	10747	SSTRANSPORTA	MCNR
.										SHIPPER ASSOCIATION TRAFFIC	
*	SFTZ	270714	VBX	L	PLAN25	12144		456	10747	CUSTOMTRKG	
*	FDSU	506328	K	L	PLAN50	12144	40T	456	10747	FRESHEXPRESS	MR50
.										MECH PROTECTION MAINTAIN 50	
6	ATSF	298962	QJ5	L	TOFC25	12144	307	456	10747	HOLDMATE	MCNR
.										NO REFRIGERATION REQUIRED	
*	XTRZ	299390	VAX	L	PLAN25	12144		456	10747	HOLDMATE	
*	JLSU	202149	K	L	PLAN25	12144	40T	456	10747	SANTAFETRATR	
*	SFTZ	801431	VEX	L	PLAN25	12144		456	10747	SCALMOTDELIV	
*	BNZ	204662	VBX	L	PLAN25	12144		456	10747	HOLDMATE	
*	SEAU	105632	KIG	L	PLAN25	12144	40T	456	10747	HOLDMATE	
*	SBDZ	630258	V2X	L	PLAN25	12144		456	10747	RAPIDTRANSPO	
*	SFTZ	256733	V1X	L	PLAN25	12144		456	10747	SEARAITRKG	
*	AVAZ	257756	V2X	L	PLAN25	12144		456	10747	INTERMCONSOLE	
*	TDSZ	550042	V	L	PLAN25	12144		456	10747	HOLDMATE	MCNR
.										NO REFRIGERATION REQUIRED	
*	MSAZ	5007	V	L	PLAN25	12144		456	10747	DISTRISERVIC	MCNR
.										NO REFRIGERATION REQUIRED	
7	ATSF	298964	QJ5	L	TOFC25	12144	307	456	10747	HOLDMATE	MCNR
.										NO REFRIGERATION REQUIRED	
*	AVAZ	254834	V2X	L	PLAN25	12144		456	10747	CARTAGSERVIC	
*	LNAZ	650158	V2X	L	4936515	12144		456	10747	WCOAGENCY	CM
.										CORROSIVE MATERIAL	
*	HJCU	705477	K	L	PLAN25	12144	40T	456	10747	PONY	
*	UPSZ	87897	V	L	PLAN10	12144		456	10747	UNITEDPARSER	
*	RGWZ	272703	VBX	L	PLAN10	12144		456	10747	UNITEDPARSER	
*	SBDZ	630395	V2X	L	PLAN10	12144		456	10747	UNITEDPARSER	
*	UFCU	236357	K	L	MAIL70	12144	40T	456	10747	USPOSSERVICE	
*	SFTZ	801441	VEX	L	PLAN25	12144		456	10747	SCALMOTDELIV	
*	SFTZ	270548	VBX	L	PLAN25	12144		456	10747	HOLDMATE	
*	IMXZ	500163	V	L	PLAN25	12144		456	10747	BRONZEEAGLE	MCNR
.										NO REFRIGERATION REQUIRED	
8	ATSF	298946	QJ5	L	TOFC25	12144	307	456	10747	ARMSTRCONTR	
*	AVAZ	256208	V2X	L	PLAN25	12144		456	10747	HOLDMATE	
*	REAZ	656771	V2X	L	PLAN25	12144		456	10747	HOLDMATE	
*	CRAZ	503846	V	L	PLAN50	12144		456	10747	SANTAFETRATR	MCNR
.										NO REFRIGERATION REQUIRED	
*	AVAZ	257234	V2X	L	PLAN25	12144		456	10747	RHTRUCKING	
*	SFTZ	256589	V1X	L	PLAN25	12144		456	10747	RAILDELSEVI	
*	TDSZ	550181	V	L	PLAN25	12144		456	10747	HOLDMATE	MCNR
.										NO REFRIGERATION REQUIRED	
*	CXXZ	250401	V	L	PLAN25	12144		456	10747	CLIPPEEXPRE	
*	ITFZ	250014	V	L	PLAN25	12144		456	10747	GATRUCKING	

*	AVAZ	250548	V2X L PLAN25	12144		456	10747	ARMSTRCONTR	
*	REAZ	252139	V2X L PLAN25	12144		456	10747	GEDISCENNOS6	
9	ATSF	298977	QJ5 L TOFC25	12144	307	456	10747	HOLDMATE	MR70
			MECH PROTECTION MAINTAIN 70						
*	XTRZ	255885	V2X L PLAN25	12144		456	10747	AMERFACIFIC	
*	ITFZ	250027	V L PLAN25	12144		456	10747	GATRANSPORT	
*	SBDZ	630374	V2X L PLAN25	12144		456	10747	RAPIDTRANSP0	
*	IMSZ	560005	V L PLAN25	12144		456	10747	PIGGYBCONSOL	MCNR
			NO REFRIGERATION REQUIRED						
*	BRAZ	594842	V7J L PLAN25	12144		456	10747	MERCHASTODOR	MCNR
			NO REFRIGERATION REQUIRED						
*	MILZ	250414	V2X L PLAN25	12144		456	10747	BTSTRANSPORT	
*	IMTU	208586	KIG L PLAN23	12144	40T	456	10747	YELLOWFRTINT	
*	XTRZ	296348	VBX L PLAN25	12144		456	10747	HOLDMATE	
*	CRAZ	570059	V L PLAN25	12144		456	10747	HOLDMATE	MCNR
			NO REFRIGERATION REQUIRED						
*	RSIZ	500197	V L PLAN50	12144		456	10747	SANTAFETRATR	MR70
			MECH PROTECTION MAINTAIN 70						
10	ATSF	298972	QJ5 L 4950150	12144	307	456	10747	UNITEDPARSER	
			ALL FREIGHT RATE SHIPMENTS, NEC, OR TRAILER-ON-FLA						
*	CARZ	511377	V7J L PLAN25	12144		456	10747	ILLINONATFRT	MCNR
			NO REFRIGERATION REQUIRED						
*	AVAZ	255664	V2X L PLAN25	12144		456	10747	GATRANSPORT	
*	REAZ	251686	V2X L 4923224	12144		456	10747	GITRUCKING	
			POISON B						
*	FREZ	550995	V6C L PLAN25	12144		456	10747	MERCHASTODOR	MCNR
			NO REFRIGERATION REQUIRED						
*	IMXZ	500089	V7J L PLAN25	12144		456	10747	WCARLOADING	MCNR
			NO REFRIGERATION REQUIRED						
*	SFTZ	450004	V9X L PLAN25	12144		456	10747	WINTSERVICES	
*	ODLU	467629	K L PLAN25	12144	40T	456	10747	HOLDMATE	
*	XTRZ	293997	VBX L PLAN25	12144		456	10747	HOLDMATE	
*	UPSZ	87586	V L 4950150	12144		456	10747	UNITEDPARSER	
			ALL FREIGHT RATE SHIPMENTS, NEC, OR TRAILER-ON-FLA						
*	KKLU	205306	K L PLAN25	12144	40T	456	10747	TOMY	
11	ATSF	298956	QJ5 L TOFC25	12144	307	456	10747	DISTRISERVIC	MCNR
			NO REFRIGERATION REQUIRED						
*	SFVZ	750324	V4L L PLAN25	12144		456	10747	HOLDMATE	
*	SBDZ	630263	V2X L PLAN25	12144		456	10747	RAPIDTRANSP0	
*	AHWZ	251468	V1X L PLAN25	12144		456	10747	HOLDMATE	
*	FREZ	550941	V6C L PLAN50	12144		456	10747	SANTAFETRATR	MCNR
			NO REFRIGERATION REQUIRED						
*	AVAZ	259280	V2X L PLAN25	12144		456	10747	SEARAITRKG	
*	SBDZ	253184	V2X L PLAN25	12144		456	10747	HOLDMATE	
*	CRZ	253723	V2X L PLAN25	12144		456	10747	HOLDMATE	
*	PLCZ	3508	V L PLAN25	12144		456	10747	LAWICSAUNSO	
*	TDSZ	550317	V L PLAN25	12144		456	10747	DISTRISERVIC	MCNR
			NO REFRIGERATION REQUIRED						
*	MSAZ	4003	V L PLAN25	12144		456	10747	HOLDMATE	
12	ATSF	298948	QJ5 L TOFC25	12144	307	456	10747	AMPAC	
*	REAZ	653328	V2X L PLAN25	12144		456	10747	MOBILOIL	
*	RSIZ	550254	V L PLAN25	12144		456	10747	ITT	MCNR
			NO REFRIGERATION REQUIRED						
*	TDSZ	550438	V L PLAN25	12144		456	10747	CARTAGSERVIC	MCNR
			NO REFRIGERATION REQUIRED						
*	SFTZ	253466	V2X L PLAN50	12144		456	10747	VIKINGFRTSYS	
*	BRAZ	594366	V L PLAN25	12144		456	10747	NAILPIGSERVI	MCNR
			NO REFRIGERATION REQUIRED						
*	MILZ	251634	V2X L 4909805	12144		456	10747	CLIFFREXXPRE	FL
			FLAMMABLE LIQUID						

\* CRZ 253399 V2X L PLAN25 12144  
\* XTRZ 254891 V2X L PLAN25 12144  
\* REAZ 259304 V2X L PLAN25 12144  
\* AVAZ 255877 V2X L PLAN25 12144

456 10747 WOOAGENCY  
456 10747 SEARAITRKG  
456 10747 AMPAC  
456 10747 SEARAITRKG

..... END REPORT .....

S O U P T I C K E T

EASTBOUND TRAIN <703L1 > AT <WAYNOKA > ON <JANUARY 15, 1984 > AT <02:48 >  
XC --- TRACK 3102 ---

THIS IS FOR THE ENTIRE TRAIN -

FIRST CAR - <ATSF 999092>  
LAST CAR - <ATSF 190218>

```

*****
*   T O T A L           . CABOOSE   *
*CARS.LDS.MTYS.TONS .LENGTH .INIT.NUMBER*
*====,====,====,====,====,====,====*
*  93  45   48  5781  6862 FT ATSF 999092*
*****

```

WORKING CABOOSE AND EMPTY TOFC ARE COUNTED AS LOADS ON THIS SOUP TICKET  
\*\*\*\*\* TEN-PACKERS COUNT AS 5 LOADS FOR EACH SET \*\*\*\*\*

\* \* \* \* \*  
THERE ARE 18 SPECIAL HANDLING CARS IN THIS TRAIN



SEC. CAR .CAR .CAR.L. .ON/LIN. .GRS. FROM TO .OFFLN DESTIN.  
NUM. UNIT. NUMBER .KND. E. .NTEN. DESTIN. RAJP. WGT. STATN. STATN. CONSIGNEE .SCHI.

1	ATSF	999092	Z	E	1	16127	30		INSERVICE	
2	TTAX	983076	FAM	E	TOFC88	6	47		AGENT	
	REAZ	259850	V2X	E	PLAN88	6			AGENT	
	RDTZ	600068	VBX	E	PLAN88	6			AGENT	
3	TTX	158393	PTG	E	TOFC88	6	41		AGENT	
	RMCZ	288278	VBX	E	PLAN88	6			AGENT	
4	TTAX	973247	FAM	E	TOFC88	456	41		AGENT	
	AVAZ	256259	V2X	E	PLAN88	456			AGENT	
5	UELX	78370	T4E	E		456	CNW	35	CLINTON	IA NF
									NO PLACARDS REQUIRED	
6	TTBX	940956	M2N	E	H	90	CR	41	WAYNE	MI
7	TTKX	909416	M30	E	H	90	CR	47	LORAIN	OH
8	ETTX	852666	M3F	E	H	90	CR	54	LORAIN	OH
9	ETTX	853816	M3F	E	H	456	NW	55	LORAIN	OH
10	ATSF	84075	M30	E	H	90	CR	48	WAYNE	MI
11	TTKX	800293	M30	E	A	6	BO	46	AGENTBO	
12	ETTX	820676	M3F	E	H	90	CR	55	WAYNE	MI
13	ETTX	700265	M3F	E	H	90	CR	53	WAYNE	MI
14	SOU	50545	M3F	E	H	90	CR	57	WAYNE	MI
15	ETTX	853090	M3F	E	H	90	CR	56	WAYNE	MI
16	ETTX	852761	M3F	E	H	90	CR	54	WAYNE	MI
17	SOU	50460	M3F	E	H	90	CR	57	WAYNE	MI
18	ETTX	852725	M3F	E	H	90	CR	54	WAYNE	MI
19	CTTX	850928	M3J	E	H	6	CO	48	WIXOM	MI
20	ETTX	851854	M3F	E	H	90	CR	56	WAYNE	MI
21	TTWX	979001	PAN	E	TOFC88	6		47	AGENT	
	REAZ	650766	V2X	E	PLAN88	6			AGENT	
	REAZ	279734	VBX	E	PLAN88	6			AGENT	
22	TTX	600485	PTG	E	TOFC88	6		47	AGENT	
	AVAZ	257343	V2X	E	PLAN88	6			AGENT	
	REAZ	282956	VAX	E	PLAN88	6			AGENT	
23	CCLX	90109	CDC	E		456		30	AGENT	
24	EJE	90730	N6R	E	A	37	EJE	38	SCHICAGO	IL
25	BO	483192	DE2	E	A	6	CO	36	MUSKEGON	MI
26	ATSF	45806	B1U	L	FRCLBD	6	CNW	110	LAKEVILLE	MN
27	ATSF	308653	CDC	L	PERLIT	6	GTW	124	HAGERSVIL	ON
28	ATSF	14106	M03	L	MOLING	90	CR	52	AGENT	
29	ATSF	303827	CDC	L	SOIL	6		131	AGENT	
30	APA	1889	BET	L	LUMBER	6	COG	76	TORONTO	ON
31	APA	1748	B1U	L	FBRBRD	456		112	SUFORIND	
32	MRS	2204	J6P	E	A	456	MP	46	KANCITY	KS
33	MRS	2039	J6P	E	A	456	MP	46	STLOUIS	MO
34	TTKX	902233	M30	E	A	456	NW	51	OAKWOOD	MI
35	TTBX	910097	M2N	E	A	456	NW	46	OAKWOOD	MI
36	TTBX	911447	M2N	E	H	90	CR	50	WAYNE	MI
37	SOU	50796	M2N	E	H	90	CR	47	WAYNE	MI
38	TTBX	913208	M2N	E	H	90	CR	48	WAYNE	MI
39	TTRX	962998	M3N	E	H	90	CR	52	LORAIN	OH
40	TTAX	981478	FAM	E	TOFC88	456	NWE	47	KANCITY	MO
	NWZ	250152	V2X	E	PLAN88	456	NWE		KANCITY	MO
	XTRZ	234352	VBX	E	PLAN88	456	NWE		KANCITY	MO
41	TTX	156185	PTG	E	TOFC88	235	TPW	41	FTMADISON	IA
	AVAZ	257597	V2X	E	PLAN88	235	TPW		FTMADISON	IA
42	TTX	601151	PTG	E	TOFC88	90	CRR	47	STREATOR	IL

076

Code	Product	Quantity	Unit	Weight	Volume	Material
43	TTX 476206 PTE E TOFC88	6		47		AGENT
	TZ 801200 VEX E PLAN88	6				AGENT
	SFTZ 801249 VEX E PLAN88	6				AGENT
44	TTX 156433 PTG E TOFC88	6		47		AGENT
	SBDZ 635777 V2X E PLAN88	6				AGENT
	SFTZ 801197 VEX E PLAN88	6				AGENT
45	TTX 102092 PTE E TOFC88	6		41		AGENT
	AVAZ 650283 V2X E PLAN88	6				AGENT
46	TTX 473645 PTE E TOFC88	6		41		AGENT
	NACZ 652650 V2X E PLAN88	6				AGENT
47	TTX 478657 PTE E TOFC88	6		47		AGENT
	XTRZ 208626 VBX E PLAN88	6				AGENT
	XTRZ 295897 VBX E PLAN88	6				AGENT
48	TTX 150503 PTG E TOFC88	456		47		AGENT MILW
	MILZ 203305 VBX E PLAN88	456				AGENT MILW
	MILZ 250052 V2X E PLAN88	456				AGENT MILW
49	TTWX 992076 PAN E TOFC88	456		47		AGENT MILW
	AVAZ 250332 V2X E PLAN88	456				AGENT MILW
	AVAZ 258663 V2X E PLAN88	456				AGENT MILW
50	USLX 11327 JSP L LUMBER	456	BN	91		DUBUQUE IA
51	ATSF 206431 YL L FAK	6050		45		BLDRAPER
52	ATSF 305476 CDC E H	2229		31		LCGRAIN
53	ATSF 301987 CDC E H	2229		31		LCGRAIN
54	ATSF 302070 CDC E H	2229		31		LCGRAIN
55	ATSF 312513 CDC E H	2229		30		LCGRAIN
56	ATSF 313701 CDC E H	2229		30		LCGRAIN
57	ATSF 313274 CDC E H	2229		30		LCGRAIN
58	ATSF 311066 CDC E H	2194		30		LCGRAI
59	ATSF 309092 CDC E H	2194		30		LCGRAI
60	ATSF 305167 CDC E H	2194		32		LCGRAI
61	ATSF 311575 CDC E H	2194		30		LCGRAI
62	ATSF 315236 CDC E H	2194		30		LCGRAI
63	ATSF 309345 CDC E H	2194		30		LCGRAI
64	ATSF 312756 CDC E H	2194		30		LCGRAI
65	ATSF 311457 CDC E H	2194		30		LCGRAI
66	ATSF 309108 CDC E H	2194		30		LCGRAI
67	ATSF 312308 CDC E H	2194		30		LCGRAI
68	ATSF 168082 GJB L RWYPTS	2571		84		MANAGEMATERI
69	ATSF 314050 CDC E H	637		30		WASHTRACK
70	ATSF 70280 GIC E H	3225		32		AGENT
71	ATSF 310165 CSE E H	4327		28		CEREALFOOPRO
72	TTX 479714 PTE E TOFC88	637		47		AGENT
	SFTZ 201221 VBX E PLAN88	637				AGENT
	SFTZ 271480 VBX E PLAN88	637				AGENT
73	TTX 251456 PTG E TOFC88	637		47		AGENT
	SFTZ 207219 VBX E PLAN88	637				AGENT
	SFTZ 271005 VBX E PLAN88	637				AGENT
8374	UTLX 10 83612 T7J L 4904210	456	BN	131		LOUISIANA MO NG
	NONFLAMMABLE GAS, CORROSIVE					
9475	RTMX 11 3740 T7J L 4904210	456	BN	129		LOUISIANA MO NG
	NONFLAMMABLE GAS, CORROSIVE					
8576	RTMX 12 3757 T7J L 4904210	456	BN	130		LOUISIANA MO NG
	NONFLAMMABLE GAS, CORROSIVE					
8677	RTMX 13 3764 T7J L 4904210	456	BN	130		LOUISIANA MO NG
	NONFLAMMABLE GAS, CORROSIVE					
8778	RTMX 14 3750 T7J L 4904210	456	BN	130		LOUISIANA MO NG
	NONFLAMMABLE GAS, CORROSIVE					
8879	RTMX 15 3759 T7J L 4904210	456	BN	130		LOUISIANA MO NG
	NONFLAMMABLE GAS, CORROSIVE					

30	81	UTLX	7	99358	T7J L 4904210	456	BN	131	LOUISIANA	NG
					NONFLAMMABLE GAS, CORROSIVE					
31	82	UTLX	8	99380	T7J L 4904210	456	BN	131	LOUISIANA	MO NG
					NONFLAMMABLE GAS, CORROSIVE					
32	83	GATX	2	97809	T7J L 4904210	456	BN	125	LOUISIANA	MO NG
					NONFLAMMABLE GAS, CORROSIVE					
33	84	GATX	3	94434	T5J L 4904210	456	BN	122	LOUISIANA	MO NG
					NONFLAMMABLE GAS, CORROSIVE					
34	85	UTLX	4	99473	T7J L 4904210	456	BN	130	LOUISIANA	MO NG
					NONFLAMMABLE GAS, CORROSIVE					
35	86	UTLX	5	99304	T7J L 4904210	456	BN	131	LOUISIANA	MO NG
					NONFLAMMABLE GAS, CORROSIVE					
36	87	UTLX	6	81870	T7J L 4904210	443		131	CHEVROCHEMIC	NG
					NONFLAMMABLE GAS, CORROSIVE					
37	88	UTLX	9	99512	T5J L 4904210	443		131	CHEVROCHEMIC	NG
					NONFLAMMABLE GAS, CORROSIVE					
	89	ATSF		188031	YLS L 4908176	2571		134	MANAGEMENT	FL
					FLAMMABLE LIQUID					
	90	ATSF		522637	J5B E H	2473		40	AGENT	
	91	UTLX		81577	T7J E	1630		52	UNIONTANCAR	FG
					FLAMMABLE GAS					
	92	ATSF		13119	DE1 L LTL	2571		42	PURCHASER	DEF
	93	ATSF		190218	YL L MWKMCH	1808		65	AGENT	DIH
					DO NOT HUMP					

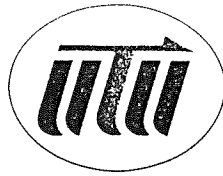
END 93 CARS 45 LOADS 48 HTYS 5781 TONS 6862 FEET IN LENGTH  
 ..... END REPORT .....

*Note - Line #2 stands between line 22 & 23*

*Line #30 " " " 5 & 6*

*Line #74 thru line 88 stand as renumbered*

JAMES A. MCGLOTHLIN  
STATE LEGISLATIVE DIRECTOR  
2809 NORTH BROADWAY, SUITE F  
BRANCH P. O. BOX 1008  
TELEPHONE (316) 232-2020  
PITTSBURG, KANSAS 66762



R. E. (RON) C. BERT  
ASSISTANT STATE  
LEGISLATIVE DIRECTOR  
1116 HARRISON  
TELEPHONE (316) 283-8041  
NEWTON, KANSAS 67114

*united transportation union*

KANSAS STATE LEGISLATIVE DEPARTMENT

INCIDENTS INVOLVING CABOOSE PERSONNEL

**INCIDENTS INVOLVING CHILDREN AROUND TRAINS**



Mr. Jack A. Mc Glothlin,

This is in reference to your letter on the elimination of cabooses. Brakeman L.L. Gray and myself were on ATSF caboose # 999393 on train 1453 N-1, Extra 3643 west at Enid, Oklahoma on Dec. 14, 1983. At 6:55 P.M. we observed 2 boys about 12 to 14 years of age crawl under our train. I called the engineer on the radio and told him not to move. The train was stopped on a curve and impossible to see this incident from the Head end because of the train's length, 50 cars.

I feel if it weren't for the alert action taken by the trainmen on the occupied caboose, these children would have been either killed or seriously injured

Sincerely,  
Jeff Boileau  
Conductor 1453 N-1

CC - Mr. Jim Zimmerman

Oklahoma State Legislative Director

Mr. M<sup>s</sup> Glothlin,

Would you please send a copy to

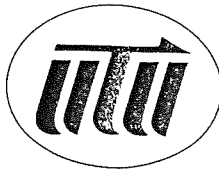
Mr. Jim Zimmerman, Oklahoma State Legislative

Director.

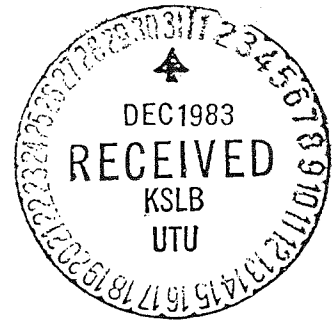
Route 3 Box 345

Herrah, OK. 73045

Thank You  
Jeff Boileau



*united transportation union*



December 28, 1983

J.A. McGlothlin, Director  
2809 North Broadway, Suite F  
Branch P.O. Box 1008  
Pittsburg, Ks. 66762

Dear Jack;

While on train 513Z1 on 12-27-83, we were pulling out of Flynn yard, we stopped so I could have fuel oil put on our way car. While stopped some young children that we noticed about 30 cars back in our train, had pulled the pin lefter and caused our train to go into emergency. My rear brakeman went up to couple our train together and couple the air. I stayed on the way car to inform the engineer as to when the air released, so we could make an air test on our tain as are required by rules to do so and if a reverse was to be made.

In our train we had a total of 95 cars and was 6,500 feet long. If we were all on the head in or leading units it would of cause a lot of delay to our train because in order to make a reverse movement our rules say to have a member of the crew on th end or rear car for safety reasons, so by already being on the way car, movement could be made without a lot of delay.

I feel that it is essential to have a caboose on all trains.

Respectfully,

W.E. Strange  
U.T.U.L.R.  
Local #464

WS/ms

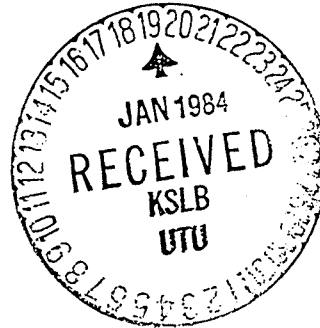


**MISCELLANEOUS INCIDENTS**

**MISCELLANEOUS LETTERS**

January 17, 1984

Honorable Elizabeth Baker  
Representative, Kansas' 82nd District  
House of Representative  
Topeka, Kansas 66612



Re: Mandatory Caboose Bill

Dear Elizabeth:

As a railroader with over 25 years of service as a switchman/brakeman in both yard and road service, I can assure you the caboose is just as vital today as it was 50 years ago. While providing a shelter from the elements, they serve as a vehicle from which a plethora of varied services are accomplished on a daily basis in yard to yard and yard to industry switching.

Please allow me to delineate some of the railroad operations involving cabooses in both trailing and shoving movements, and through these examples, illustrate why we need to retain them in both road and yard duty:

Cabooses, or waycars as they are commonly referred to in yard service, were never used as lodging facilities for yardmen as they once were in road service. Thus the carriers cannot use this as an excuse to now eliminate them.

Waycars provide a place to ride between hand thrown switches that must still be manually operated; a storage shed for knuckles, air hoses, the wrenches to change them and hot box coolant; an out of the weather vehicle that is essential to the safety and welfare of the trainmen who must ride them while involved in controlling shoving movements with the back-up air valve over public crossings, in both signaled and non-signaled territory and in and out of the hundreds of industries in the state of Kansas from which the cars comprising over the road freight trains must be picked-up.

The introduction of new technology such as hot box, shifted load and dragging equipment detectors are not a factor in yard/industry service. The costs of equipping the vast amount of trackage in and around metropolitan areas render them cost prohibitive. The caboose is therefore still utilized in observing the train for the various defects that are detected by the aforementioned sensing equipment on over the road trains.

Given the proliferation of the number and type of hazardous materials now being handled both over the road and in transfer service through every community in the state that has a track running through it is reason alone to preserve the caboose for train observation purposes. All the technology in the world can't replace the constant vigilance of on-train crewmen who can spot trouble instantly.

Rear-end train and yard crew members riding in cabooses have provided a great number of services to the general public over the years. They have been instrumental in saving lives through the administration of first aid; calling emergency units to put out

Representative Elizabeth Baker  
Re: Mandatory Caboose Bill

January 17, 1984

fires, aid the victims of auto accidents; spotted and warned local authorities of toronades; cut public crossings to allow expectant mothers and emergency vehicles through; spotted and set-out freight cars on fire, tank cars leaking and emitting noxious and toxic fumes etc. The occupied waycar provides a dual service. It is essential to safe, orderly and efficient railroad operation and at the same time provides an indispensable safety factor to the communities that trains pass near or through.

I hope this letter is of some benefit to you in your endeavor to achieve this most important piece of legislation.

Successful or not, I want to extend a collective heartfelt thank you from railroad employes throughout this fine state for your efforts on behalf of us and all citizens of Kansas.

Yours truly,

Howard Ferguson

W. J. O'HALLORAN  
2227 POPLAR

KANSAS CITY, MO

64127

JANUARY 17, 81

DEAR ELIZABETH:

WELL I LIVE IN MISSOURI, I WORK FOR A RAILROAD IN KANSAS AND AS SUCH HAVE VERY STRONG FEELINGS AND REASONS FOR KEEPING THE CARBOUSES FOR USE IN THE YARD AND ON THE ROAD.

BECAUSE RAILROAD MOVEMENTS ARE MADE IN BOTH DIRECTIONS, THAT IS, POLLING AND SAOVING, IT IS IMPERATIVE TO HAVE A CARBOUSE BOTH TO RIDE IN AND TO PROTECT THE PUBLIC WHILE MOVING THROUGH PUBLIC CROSSINGS, STREETS AND COUNTRY ROADS. BECAUSE OF THE LENGTH ~~AND~~ OF THE TRAINS AND TRANSFERS THE R.R.'S RUN THESE DAYS IN ADDITION TO THE VARIOUS TYPES OF DANGEROUS MATERIALS THEY HAUL, IT IS NECESSARY

TO MAINTAIN A CONSTANT WATCH OF  
YOUR TRAIN, TRANSFER AND/OR INDUSTRIAL  
DRAG FROM BOTH THE HEAD END AND  
REAR END!

SINCERELY,  
WJ Halloran

CHARLES HOYT  
10309 W. 67TH TR  
SHAWNEE, KANSAS  
66203

JANUARY 19, 1984

DEAR ELIZABETH:

ABOUT FOUR MONTHS AGO WHILE SHOWING ACROSS A STREET IN KANSAS CITY, KANSAS AFTER SWITCHING VARIOUS INDUSTRIES THE CABOOSE MYSELF AND THE FOREMAN WERE RIDING JUMPED THE RAIL. WE "BIG HOLED" THE DRAG WITH THE BACK-UP AIR VALVE BEFORE ANY OTHER FREIGHT CARS DERAILED, BECAUSE IT WAS DURING THE RUSH HOUR, AND HAD WE NOT BEEN FURNISHED A WAYCAR FROM WHICH TO PROTECT OUR REVERSE MOVEMENT, A SERIOUS MULTI-CAR DERAILMENT MIGHT HAVE ENSUED THUS ENDANGERING SOME OF THE GENERAL PUBLIC WAITING TO CROSS THE TRACKS.

GOOD LUCK ~~IN~~ YOUR EFFORTS TO GET A CABOOSE BILL THRU THE LEGISLATURE.

Sincerely,

Charles Hoyt

Switchman / Brakeman

January 11, 1984

Dear Elizabeth:

I have worked as a brakeman and switchman for the railroads for 32 years. Over this period of time the caboose has served as an indispensable "tool" to work with and from. It makes working a lot more efficient and safe. Because rail road trains and transfers run both forward and backward, it serves as a place out of the rain, snow, freezing temperatures to observe freight cars enroute for defects of any nature i.e. hot boxes, dragging equipment, shifted loads, decalments, fires, open and swinging doors etc; it provides a platform, whistle and back-up value to control movement when shoving. This assures both the train crews and the general public optimum safety from each other. For these and a hundred more reasons we need to keep the cabooses on the rear of over the road and yard trains.

Yours truly,

C. D. Majors

Route 2

Endora, Kansas

66025

S. A. Volts

8401 W 69th

Overland Park Ks 66204

January 18, 1984

Dear Elizabeth;

Here is an incident that occurred about three years ago on Santa Fe R.R. on the first District.

A. Freight car located about in the middle of a 100 car freight train jumped the rail. The crewmen on the rear of the train riding in the caboose noticed the ties all chewed-up and thus realized something was wrong. They called the head-end crew to stop. Upon inspection discovered box car off the track but still coupled. The train was stopped just short of a narrow gauge road bridge that would have been destroyed. In addition the ensuing damage would surely have caused a major derailment resulting in thousands of dollars in damage.

Sincerely,  
Steve Volts.



Rolley L. L. L.  
1516 Ashland Pl  
Blue Springs Mo  
64015

Dear Elizabeth

Even though I live in the state of Missouri, I work for the railroad in the state of Kansas and am concerned about waycars as a safety item on trains.

One incident that comes to mind is when I was riding on the waycar with the conductor and we had stopped. At this particular place the rail curved real sharp to the right and it was at the top of a hill. Where we stopped the waycar was just around the curve and just over the crest of the hill. Well we had set there for awhile so the conductor and I decided to stretch our legs. We walked right there around the waycar, while doing so we heard a train coming up the hill behind us. We didn't think too much about it there's more than one track there. We walked

out to see where he was going. Well we found out! Here came an I.C.G. train with about six units headed for our waycar. We ran out where he could see us giving all kinds of stop signs and workouts. By the time he saw us and got his train stopped he was approximately 40 feet from hitting us.

If there had not been anybody on the waycar in this instance there could have been severe injury to the head end crew and a substantial amount of damage to both train track and surrounding area.

This is just one small incident, I feel that it is essential to have someone on the rear of a train. Thus I feel the waycars have to stay.

Gilley L. Bell

On the 803 V2, engine 6369, on 10-25-83, Conductor Hoyer spotted brakes sticking approx. 20 cars behind the engines as we were pulling by to pick him up. After crossing Broadway he had us stop and I went back and cut the air out of a car. I believe the number was ATSF 309538

On 11-9-83 on train 703 H5 engine 3605, we set out the head 19 cars at Kiowa and then the head 17 cars at Attica. When I made the joint on the train the head car ATSF 151702 had a very, very tight hand brake. This train came out of Amarillo this way evidently as it had not been switched any way since leaving Amarillo. It had gone by 3 hotbox detectors on our district undetected.

Keel

November 3, 1983

This is a statement of an incident involving my train, #513-A-1 an east bound train, and 6315 A-1 a west bound R.C.E. Grain train meeting at Britton, Oklahoma, on October 1, 1983.

My train headed into the siding at Britton to meet the West bound 6315. We were in the clear a sufficient amount of time to allow the dispatcher to line up both ends of the siding and to avoid stopping either of us, but this was not done.

The grain train was stopped and we were allowed to proceed out of the siding at the east end.

The 6315 finally got his signal and released his air-brakes in order to proceed. Being on an uphill grade and his slack bunched, the slack began to roll east toward the siding signal and our departing train.

The alertness of the brakeman on the Waycar of the 6315, by putting the train into emergency avoided a collision with our train and serious injury to myself on our rear end.

*Donald R. Ward Jr.*  
Donald R. Ward Jr.  
Conductor, Middle Div. #3  
Arkansas City, Kansas  
2302 Edgemont Drive

**united**  
**transportation**  
**union**



LOCAL NO. \_\_\_\_\_

Jack;

The attached message was recieved by middle division crew upon the arrival of 348 D 1 at Emporia. Due to an clerical error Eastern div. crew was not notified there was an occupied car in there train and would have traveled over the entire district unaware of this if while stopped at a red signal at Ottawa rear end crew was inspecting train and discovered these Gentelmen in an occupied cabboose.

D A H

Condr. M M Reese 9-4-1983 348-D 1 Train



.DATE 02 SEP 83 11:27:38 RID 342 02 SEP 83 LAW  
PMREMOT IMS ADMNSW P391554 YLAW 1234888N26  
N 381608A

L L112300 L116221 L116305 P290910 P391122 P391123 P391415 P391549  
L P693104 P693111 P693112\*

EMPORIA KS

ADDRESS SERVICE MESSAGES TO VPZ (P391554). REFER TO NUMBER 1608.

ASST. SUPT.

ARGENT P693111

WESTBOWL SO

KANCIT P693112

CISSELL

KANCIT L112300

ALLIN

KANCIT L116305

C-E 348-D-1 SUN SEPT 4

TURNER P693104

BURDEN

EMPORI P391549

SO

EMPORI P391549

DIXON

EMPORI L116221

MARK

NEWTON P391415

BRANDT

AMARIL P290910

KILPATRICK

EMPORI P391123

MATZEN

EMPORI P391122

5 CARS, CONVERTED PASSENGER COACHES 3594 3703 3765 BAGGAGE CAR 106 AND CABOOSE AA2843 WILL BE INTO ARGTN ON TRAIN 123-D-1 SUN SEPT 4 AND TO BE PLACED ON REAR END 348-D-1 OR NEXT SECTION OF 348 OPERATED AFTER CARS ARRIVE DESTINED CALIFORNIA. ALL 5 CARS RESTRICTED TO REAR END MOVEMENT ONLY AND NOT TO EXCEED ~~45 MPH~~ AND TO BE GIVEN CAREFUL HANDLING. CARS WILL BE ACCOMPANIED BY TOM MARLOW AND JOHN WAITE.

AS INFO THESE 5 CARS WILL BE RETURNED TO US BY SSW ON DEC 19, 1983 FOR RETURN MOVEMENT TO CORWITH. JNT. DS2 87. D-202.

KILPATRICK

END

10-1-83

I WAS CONDUCTOR ON TRAIN 6135 A-1 WEST BOUND OCT. 1, 1983, AND WAS MEETING TRAIN 513 EAST BOUND AT BRITTON, OKLA AT 6:50 PM. TRAIN 6135 A-1 WAS ON MAIN TRACK AND TRAIN 513 WAS GOING THRU SIDING. TRAIN 6135 A-1 HAD 5 UNITS 121 CARS 15,858 TONS. AFTER TRAIN 513 CLEARED MAIN TRACK AND SIGNAL - EARLY (TRAIN 6135 A-1) RELEASED BRAKES TO START TRAIN. SLACK RAN OUT CAUSING ME TO MAKE <sup>2</sup> EMERGENCY APPLICATION OF BRAKES FROM CABOOSE TO ~~TO~~ KEEP TRAIN FROM GOING BY RED SIGNAL AT EAST END OF BRITTON AND ROLLING INTO SIDE OF TRAIN 513. AFTER TRAIN 513 CLEARED EAST SWITCH AND WAS OUT OF SLACK AND WE GOT SIGNAL AT EAST END OF BRITTON HAD EARLY RELEASE BRAKES AND WHEN SLACK ROLLED OUT FOR THE LAST TIME CABOOSE WAS SITTING ON <sup>EAST</sup> SWITCH POINTS. WE HAD UNITS 8146-8234-5996 ON HEAD END OF TRAIN AND UNITS 8143-8076 APPROXIMATELY 43 CARS AHEAD OF CABOOSE. 949533. AND WAS APPROX. 7700 FT IN LENGTH.

J. Williams  
Conductor

I was Conductor on Train 6135 A-1 West Bound October 1, 1983 and was meeting Train 513 East Bound at Britton, Oklahoma at 6:50 P.M. Train 6135 A-1 was on main track and Train 513 was going thru siding. Train 6135 A-1 had 5 units, 121 cars, 15,858 Tons. After Train 513 cleared main track and signal engineer (Train 6135 A-1) released brakes to start train. Slack ran out causing me to make two (2) emergency applications of brakes from caboose, to keep train from going by red signal at east end of Britton and rolling into side of Train 513. After Train 513 cleared east switch and was out of block and we got signal at east end of Britton, had engineer release brakes and when slack rolled out for the last time, caboose was sitting on east switched points. We had units 8146-8034-5996 on head end of train and units 8143-5076 approximately 43 cars ahead of caboose 999533 and was approximate 7700 feet in length.

W.A. Blevins  
Conductor



Sept 13 1983

To Whom it may Concern:

The RR crossing gate on Highway #14  
at Harper, this date was damaged  
and knocked to the side of the Road.

This matter was noted and reported  
from the Rear, the Caboose, of a 8035 I train.

O. D. Mosley  
Conductor 8035 I  
Wilmington, KS

Sept. 6, 1983

Mrs. V. R. Wetten,

Would like to air situation of  
Train 308 E-1. Train consisted of 58 cars,  
four units, with 5175 in lead. w/c 378

We were westbound at Mayfield, La.  
when train went into emergency. Cause of  
emergency was 2 hoses sixteen cars ahead  
of w/c.

One time delay was only 10 minutes.  
My point being that carriers are  
wasting to do away with cabooses. Had  
this particular train been without a  
caboose the time consumed fixing  
the train would have at least been  
45" to an hour. This being said from  
viewpoint that it takes a certain  
amount of time to walk 42 cars,  
fix train, & walk back up.

Not only is it time consuming but  
should train become disabled & block  
an emergency route, not only could

Cost the life of person in ambulance,  
but would slow train traffic to  
standstill

Conck L. D. Taylor

Causes of False Proceed Failures Reported by Carriers for

Fiscal Year 1982 - 10/1/81 to 9/30/82

Railroads	Sand, rust or other deposit on rails	Failures of relays interlocking and other similar devices	Circuits open crossed or grounded Foreign current	Apparatus broken defective or out of adjustment	Failures of apparatus due to ice, sleet, snow wet track weather or lightning	Vandalism	Errors in making connections or adjustments	Errors in circuit design	Undetermined	Total
Atchison, Topeka & Santa Fe	-	-	1	2	2	-	2	-	-	7
Atlantic & West Point	-	-	2	-	-	-	1	-	-	3
Baltimore and Ohio	-	-	1	1	1	-	2	-	2	7
Baltimore and Ohio Chicago Terminal	-	-	-	-	1	-	1	-	-	2
Bangor and Aroostook	-	-	1	1	-	-	-	-	-	2
Boston and Maine	-	-	1	1	-	-	1	-	-	3
Burlington Northern	-	1	2	4	1	3	5	3	1	20
Chesapeake and Ohio	-	-	-	-	1	1	2	-	-	4
Chicago South Shore & South Bend	-	-	1	-	-	-	-	-	1	2
Chicago, Milwaukee, St. Paul and Pacific	-	-	-	-	-	-	1	1	-	2

Causes of False Proceed Failures Reported by Carriers for

Fiscal Year 1982 - 10/1/81 to 9/30/82

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Chicago and North Western	-	-	2	1	-	1	4	-	2	10
Consolidated Rail Corporation	-	3	4	1	1	4	8	1	-	22
Delaware and Hudson	-	-	-	-	-	1	-	-	1	2
Denver and Rio Grande Western	-	-	-	-	-	1	1	1	-	3
Elgin, Joliet and Eastern	-	-	-	-	-	1	-	-	-	1
Fort Worth and Denver	-	-	-	-	-	-	-	-	1	1
Grand Trunk Western	-	-	1	-	-	1	-	-	-	2
Houston Belt Terminal	-	-	1	-	-	2	2	-	-	5
Illinois Central Gulf	-	1	2	-	1	1	1	2	2	10
Kansas City Southern	-	-	1	1	-	-	-	-	-	2
Long Island Railroad	-	1	-	-	-	-	-	-	-	1
Louisville and Nashville	-	-	-	1	1	-	-	-	2	4

Causes of False Proceed Failures Reported by Carriers for

Fiscal Year 1982 - 10/1/81 to 9/30/82

Railroads	Sand, rust or other deposit on rails	Failures of relays interlocking and other similar devices	Circuits open crossed or grounded Foreign current	Apparatus broken defective or out of adjustment	Failures of apparatus due to ice, sleet, snow wet track weather or lightning	Vandalism	Errors in making connections or adjustments	Errors in circuit design	Undetermined	Total
Missouri-Kansas-Texas	-	1	3	-	-	-	3	-	-	7
Missouri Pacific	-	-	2	-	1	-	1	1	1	6
National Railroad Passenger Corp.	-	5	3	2	-	-	-	-	-	10
Norfolk and Western	-	3	2	1	-	1	3	-	-	10
Richmond, Fredricksburg & Potomac	-	-	1	-	-	-	-	-	-	1
St. Louis - Southwestern	-	-	4	-	-	-	-	-	1	5
Seaboard Coast Line	-	-	-	-	1	-	2	-	-	3
Soo Line	-	-	-	-	-	-	1	-	-	1
Southern	1	1	1	-	-	-	1	1	-	5
Southern Pacific	1	-	6	-	-	-	1	2	2	14
Union Pacific	-	1	2	-	-	-	3	3	2	11
Western Pacific	-	-	-	-	1	-	-	-	-	1

Causes of False Proceed Failures Reported by Carriers for

Fiscal Year 1982 - 10/1/81 to 9/30/82

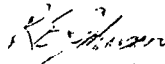
Railroads	Sand, rust or other deposit on rails	Failures of relays interlocking and other similar devices	Circuits open, crossed or grounded Foreign current	Apparatus broken defective or out of adjustment	Failures of apparatus due to ice, sleet, snow wet track weather or lightning	Vandalism	Errors in making connections or adjustments	Errors in circuit design	Undetermined	Total
Western Railway of Alabama	-	-	3	-	-	-	-	-	-	3
Totals	2	17	49	16	12	17	46	15	18	192

January 8, 1984

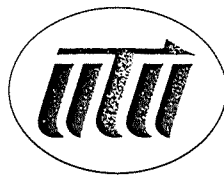
J.A. McGlothlin, Director  
2809 North Broadway, Suite F  
Branch P.O. Box 1008  
Pittsburg, Ks. 66762

Dear Brother McGlothlin;

My crew was ordered on a 6635R1 with 86 cars and 10,710 tons in our train. We were going west railroad direction or south to Purcell from Enid, when at M.P. 83 we went into emergency. After stopping, I R.E. Johnson, and my brakeman went up to inspect our train to see what was wrong. we walked up 16 cars and found that we had pulled a knuckle. We did have a flag order and it took both of us to make the repairs. After we got our train together our controlling unit PC value wouldn't reset so we had to take our units to Marshall and swith them around. By the time we did all this and got the train moving, we had only 45 minutes of flag protection left. If we all had been on the lead or head end of our train, there is know telling how much delay there could have been. Therefore, I believe it is necessary to have a way car on all trains, for the protection and safety for these movements.

  
R.E. Johnson  
Conductor  
Local #464





***united transportation union***

January 8, 1984

J.A. McGlothlin, Dir.  
2809 North Broadway, Suite F  
Branch P.O. Box 1008  
Pittsburg, Ks. 66762

Dear Brother McGlothlin;

On December , 1983, I was Conductor on a 564BG4 with 95 cars and was 5300 feet long. When a M.P. 416 our train went into emergency. After the train had stopped, my rear brakeman went up to make an inspection of the train. I stayed on the waycar to wait to see if the air came up and if we might need to make a reverse movement because of the crossings to the rear of our train. During our trip we were having a lot of air problems mainly due to the length of the train when the temperture was below zero that night. After about 10 minutes, my rear brakeman notified me that we derailed, so I immediately notified the proper authorities. The rear of the train was setting or blocking the B.N. Interlocking. If the entire crew had been on the head end of the train, finding our trouble could have taken 45 minutes or more. By having crew members on the rear end or caboose the problem was found in 15 minutes and we were able to provide protection to our train that was on Interlocking as a B.N. train was due to leave Perry.

I find it very important to have a caboose on the rear of trains.

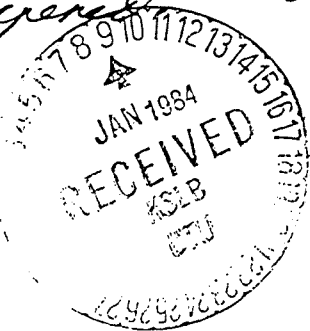
W.N. Brooks  
Conductor  
Local #464

August 26, 1983

Mr Jack A. McGlocklin  
Director Kansas State  
Legislative Board

On August 21st at 2:00 PM I was on Ex 7616 West (01CHLAT-20). At Mile pole 150 we lost about 12 or 15 iron rods off a rigger back #3 cars ahead of our caboose. These rods were 2 in's round and 10 or 12 feet long. I put the train in Emergency from the Caboose and we stopped at Mile pole 151. If any of these rods would have gone under the train we could have derailed.

Also at White City Passing Loop we were meeting Ex 9285 East. White City Pass is at Mile pole 156. The men on Ex 9285 East were on the ground inspecting our train by. If these rods would have come off at 156, some one could have been hurt. If we had not been on the rear end to see these rods coming off this could have happened.



Affair's Lady  
C.D. Davis  
Conductor on Ex 7616 East

Place in Examination of Labours file  
M. K

RECEIVED

SEP 14 1983

UTU-ATSF-GCA  
C&T

H  
J.M.

9/10/83

GEORGE,  
HAD A BOX ON HEAD END  
863 G-1 9/10/83 THAT WAS SUPPOSE  
TO INDICATE TRAIN LINE PRESSURE  
FROM ANOTHER BOX COUPLED TO REAR  
AIR HOSE ON WAY CAR. WHEN AIR TEST  
WAS MADE BY CARMAN AT WELLINGTON THE  
GAUGE ON THE WAY CAR SHOWED SLIGHTLY  
OVER 80 LB.S, BUT THE READ OUT ON THE  
ENGINE SHOWED 70 LB.S, THE READ OUT  
INDICATED 70 LB.S BEFORE, DURING, AND AFTER  
THE 20 LB. REDUCTION WAS MADE FOR OUR  
AIR TEST. I THOUGHT MCGLOTHLIN MIGHT  
BE ABLE TO USE THIS.

THANK YOU  
Tom Affelt

from  
D. G. Hayes  
Local 412

Summarized copy to  
Jack McWhorter  
at Kansas City  
9/14/83  
J.M.

**INCIDENTS INVOLVING DRAGGING ITEMS**

ON OCTOBER 15, 1983 WE WERE ORDERED ON A 703M4  
BOT OF THE YARD AT EMPORIA, KANSAS. WHEN WE LEFT THE YARD  
IT WAS DARK & THE LIGHTS IN THE YARD SHANTY KEPT GOING ON & OFF.  
APPARENTLY THERE WAS A HAND BRAKE THAT WAS NOT FULLY RELEASED.  
WHEN WE GOT TO MOVING I NOTICED FROM THE REAR END THAT  
A CAR ABOUT 10 CARS AHEAD OF THE WAY CAR WOULD SPARK  
WHEN WE WENT AROUND CURVES. I STOPPED THE TRAIN AT  
ABOUT MILE POST 83 ON THE NORTH TRACK. I WALKED FORWARD  
CHECKING THE HAND BRAKES AS I WENT. ON THE 11TH CAR FROM  
THE WAY CAR TTX 156785, ON THE OPPOSITE SIDE OF THE  
CAR I WAS STANDING ON WHEN WE LEFT THE YARD, A  
HAND BRAKE HADNT FULLY RELEASED. IF THIS HAD CONTINUED  
I AM SURE THE HAND BRAKE WOULD HAVE HEATED UP THE  
WHEELS & THE HOT BOX DET. WOULD HAVE STOPPED US. IF  
THE HOT BOX DET. WOULD HAVE GOTTEN US WE WOULD HAVE  
DELAYED THE TRAIN ALOT MORE TIME THAN THE 10 MINS.  
IT TOOK ME TO TAKE CARE OF IT. WE STOPPED THE TRAIN  
AT 8:35 and was MOVING AGAIN AT 8:45

Steve C. Knouton  
Conductor

Dave,

This car was throwing rock everywhere. Would have been dangerous for anyone sitting at a road crossing or working along the right of way. The pin lifter wasn't just bouncing in the ballast but had locked in a rigid position, showering the way car and right of way with rock.

With out a way car we might have went for miles without detecting this problem.

W. M. Juranich  
Cond. 981 F1  
10-9-83

# SANTA FE

## WIRE REPORT OF CARS SET OUT BAD ORDER or Repaired Enroute

Leave duplicate copy of this report with waybill

Location Filed and Date 10-9-83

Trainmaster Emporia Ks.  
 Chief Dispatcher Emporia Ks. } Address to Divn. Headquarters  
 Car Foreman Argentine Ks. (At end of your run)  
 Asst. Chief Mech. Officer \_\_\_\_\_ Third Copy (Topeka)  
 AGM Mechanical \_\_\_\_\_ (Topeka, Amarillo, L. A.)  
 Data Correction—Topeka \_\_\_\_\_ (when car set out bad order)  
 Agent \_\_\_\_\_ (Where Waybill Left)

- A. Train, Time, date, location ~~\_\_\_\_\_~~ 981 F1 train 4:50 AM 10-9-83  
M.P. 89; Ridgton Ks. Did not set out.
- B. Car initial and number ATSF 293365 Van# RDSZ550520  
 (include vans and containers on flat car)
- C. Origin & Consignor \_\_\_\_\_
- D. Contents Peristable - Lettuce
- E. Destination & Consignee Chicago Ill. - National Pig Service
- F. Nature of defect & repairs made. Pin lifter broke + dragging ground shortly
- G. ~~If not box, north or south side~~ after passing detector at MP 91.2.
- H. ~~Box number~~ Repair: Wied<sup>up</sup> remaining portion of pin lifter.
- I. ~~Packing date~~ This car is two ahead of way car.
- J. Manufacturer of Lubricator \_\_\_\_\_
- K. Size of Journal or Bearing \_\_\_\_\_
- L. Make of Journal Stops \_\_\_\_\_
- M. Manufacturer of Roller Bearing \_\_\_\_\_
- N. Can wheel truck get to car to change wheels \_\_\_\_\_
- O. Conductor or Agent Condr W.M. Juranich 981 F1

This report to be made out on all cars set out, or repaired en route. When car set out bad order in yard, Agent will complete section A thru F. Make this form in triplicate. Original to communication office, attach copy to waybill and copy to Car Foreman.

Conductors will show all existing defects that may require attention, such as broken couplers or parts, brake beams, flat wheels, or defective air brake appliances, etc. All parts removed from cars between terminals must be taken to terminal station and turned over to Inspector. A & B ends of a car are determined by location of brake staff which is on B end. On cars equipped with two brake staffs, stencilling on car will govern. Boxes are numbered as follows: Beginning at B end of car, boxes on right side are numbered R1, R2, R3 and R4; on left side, L1, L2, L3 and L4. Thus boxes L1 and R1 would be on outside axle B end of car. All information called for must be shown.

70/8/83

901-F8 MET 1787<sup>H2</sup> TRAIN AT M.P. 73  
THERE WAS A CHAIN OR SOMETHING  
DRAGGING CAUSING SOME SPARKS; THE  
1787<sup>H2</sup> WEST WAS INFORMED BY THE REAR END  
CREW 901-F8; AT 2040 HR'S;

COND. L, BEASON  
R. BKMN, H, W, STOTIRE MIRE



Oct 5, 83

Dave

Pin letter was hanging down  
TTX 151899 A and 21 cars ahead of  
way car on 883 A-2, eng 5631, 56 cars

10/3/83

Sincerely

D. K. Lowe

9-10-83

O. O. Hotzel

on 463 H1, 9-9-83

16 cars ahead of way car, stopped  
and closed end door on ETTX 903777  
(Auto Veyor). This door was swinging  
out to foul adjacent track

Fraternally yours

C. M. Clark  
CM Clark  
CONDOR 463-H1

DATE 24 OCT 83 18:47:26  
 EASTL AND TRAIN 564X1

REPORT GENERATION  
 CLEBURNE ON OCTOBER 24, 83 AT 18:45  
 TRACK 2008

SEQ.	CAR	CAR	CAR	ON/LIN.	GPS	FROM	TO	OFFLN	DESTIN.
NUM.	INIT.	NUMBER	KND.	E. CONTEN.	DESTIN.	RAJP.	OUT.	STATN.	STATN.
								CONSIGNEE	SCHI.
1	ATSF	999121	Z	E	8318		24	IN SERVICE	
2	CONX	2254	T5F	E	1712		40	CONOCO	NP
NO PLACARDS REQUIRED									
3	CPI	389475	C4C	E	A	6	CO	NEPHTON	ON
4	CPAA	387764	C4C	E	A	6	CO	NEPHTON	ON
5	ATSF	101407	CDC	L	GLASS	90	CR	BERLIN	NJ
6	ATSF	101413	CDC	L	GLASS	3647		MANVILSERVIC	
7	ATSF	303400	CDC	L	GLASS	6	GTW	BROSSARD	PO
8	ATSF	310092	C2E	E	F43937	6655		PILLSBURY	
9	GACX	47113	C2E	E		6655		PILLSBURYCO	
10	ATSF	37540	O6	E	H	1808		AUTOPARTS	
11	NATX	77402	T5G	E		4327		NATBYPROD	
12	PSPX	5839	C5I	L	PLASTC	2171	MP	WINFIELD	KS
13	ATSF	525638	J5T	E	H	1794		RALSTONPUR	
14	UTLX	14094	T3E	E		1630		UTLXSHOP	NP
NO PLACARDS REQUIRED									
15	GATX	49158	T5G	E		840		VALAGRI	NP
NO PLACARDS REQUIRED									
16	UTLX	79286	T4F	L	PETOIL	1712	100	CONOCO	NP
NO PLACARDS REQUIRED									
17	GETX	3007	T5I	E	4910185	1630	35	GETTY	FL
FLAMMABLE LIQUID									
18	TCAX	60637	CDC	E		6655	35	AGENT	
19	UTCX	44325	C4C	E		6655	35	AGENT	
20	TCAX	60640	CDC	E		6655	35	AGENT	
21	PLCX	18290	CDC	E		6655	35	EDTY	
22	PLCX	18203	CDC	E		6655	35	ENID	OK
23	DOMX	6605	T5G	L	4915157	840	GDW	GARCITY	KS FL
COMBUSTIBLE LIQUID									
24	ATSF	309255	CDC	E	H	637	30	WASHTRACK	
25	ATSF	81587	H3C	E	A	1712	29	AGENT	

END 25 CARS 7 LOADS 18 MTYS 1346 TONS 1369 FEET IN LENGTH

89 21 ~~68~~ - 4568 10-25-83

Hot box detector at MP 405.4  
 Stopped Train 564X1 at 6:55 AM Train  
 had 89 cars 5700 ft long readout was  
 14 N rail delay time 5 mins.  
 Without a WC + MEN ON REAR  
 END OF TRAIN INSPECTION COULD  
 HAVE TAKEN 2 HR.  
 [Signature] CONDOR

Dean,

On June 16, 1982 brakeman Ledesma was looking out the window of the cupalo of way car 999230 when he heard a noise. He pulled the air on the way car. In doing so, he kept the slack out of the train and prevented a derailment. Five cars in front of the way car both center pins on a load of wheat broke and the car was tilting badly. This was on train 221402 Eng 3648 2 miles South of Fairview

Keel Middleton



August 2, 1933

Jack A. McGlothlin  
State Legislative Director  
E.W. Diepenbrock- vic L/C UTU

Dear sirs:

The caboose on a freight train is a very important safety factor in keeping the commerce moving across our state. The railroad industry has modern detector devices which can record temperature of an axle or dragging equipment. It can not however see or smell, such as a leak from a pressurized tank car.

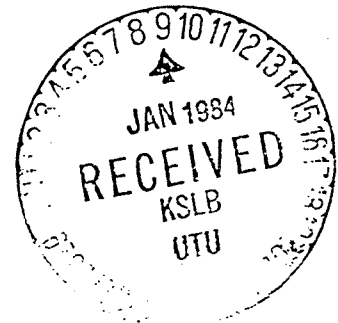
On may 5, 1933 I was on 01MLLAA03 Southern Pacific/StLouis Southwestern Ex8499 West out of Kansas City at 9:32 AM. The day was clear and bright. The wind was no factor. At about Mile pole 30, on Union Pacific tracks I noticed track bolts being thrown from under the train not too far ahead of the caboose. There was nothing visible behind the caboose to indicate a dragging condition. I stopped the train by the air brake valve because the radio did not have the correct frequency to communicate with the engineer. An inspection of the train revealed a broken wheel on a Milw 992227 three cars ahead of the caboose. The car was a 103 ton load of animal feed. Although one third of the wheel was missing, the wheel never left the rail----! The wheel had broken, and dropped down on the rail and slide along. The web of the wheel was touching the inside of the tie plates, spikes and cutting off the track bolts. The track inspection revealed 2800 track bolts had been sheared off, without a derailment.

we had 50 cars in the train and the way that <sup>car</sup> was on the rail it would have gone through a drag detector without ~~actuating~~ it

Fraternally,

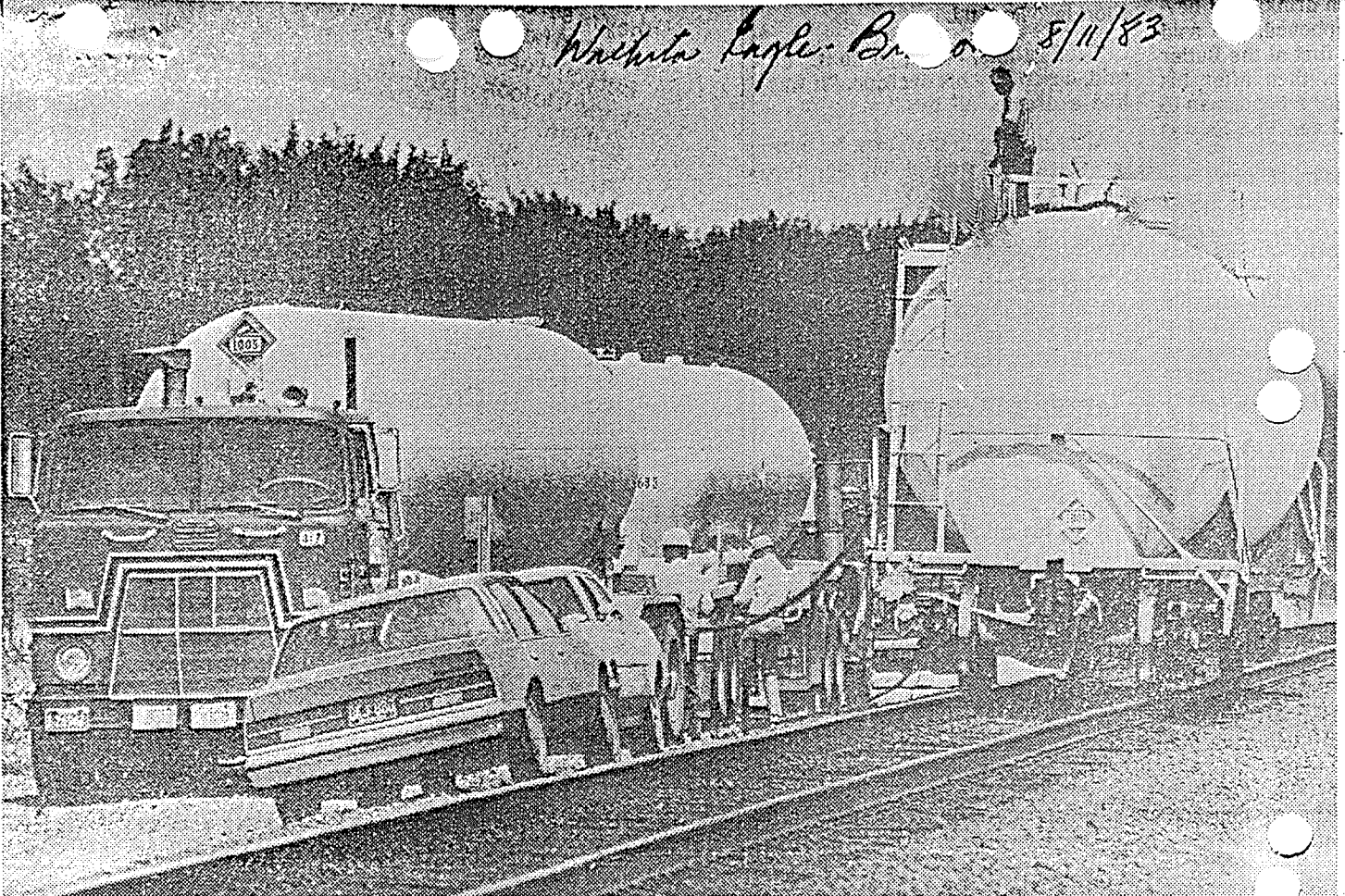
*Milton E. Schlesener*

Milton E. Schlesener  
728 E. Arnold  
Herington, Kansas 67449  
UTU Local Lodge 506



**INCIDENTS INVOLVING HAZARDOUS MATERIALS**

Wichita Eagle-News 8/11/83



Gregory Drezdson/Staff Photographer

Workers try to load two tank trucks with ammonia from a rail car that developed a leak Sunday.

# 2 Evacuations Make Pair Leery

By Brian Levinson  
Staff Writer

After evacuating twice in less than 12 hours, Carl and Jane Dutcher were going to stay away from their southeast Sedgwick County home until they were convinced it was safe to return.

"We're just not going to move until the cars and everything are gone," Carl Dutcher said Monday.

"We don't want to do this every day."

The Dutchers live about a mile northwest of 95th Street South and Greenwich Road, where ammonia leaked out of a railroad tank car Sunday night and again Monday morning. A faulty valve on the tank car let potentially dangerous ammonia gas slip into the air, forcing the evacuation of about 130 people in a 6-square-mile area.

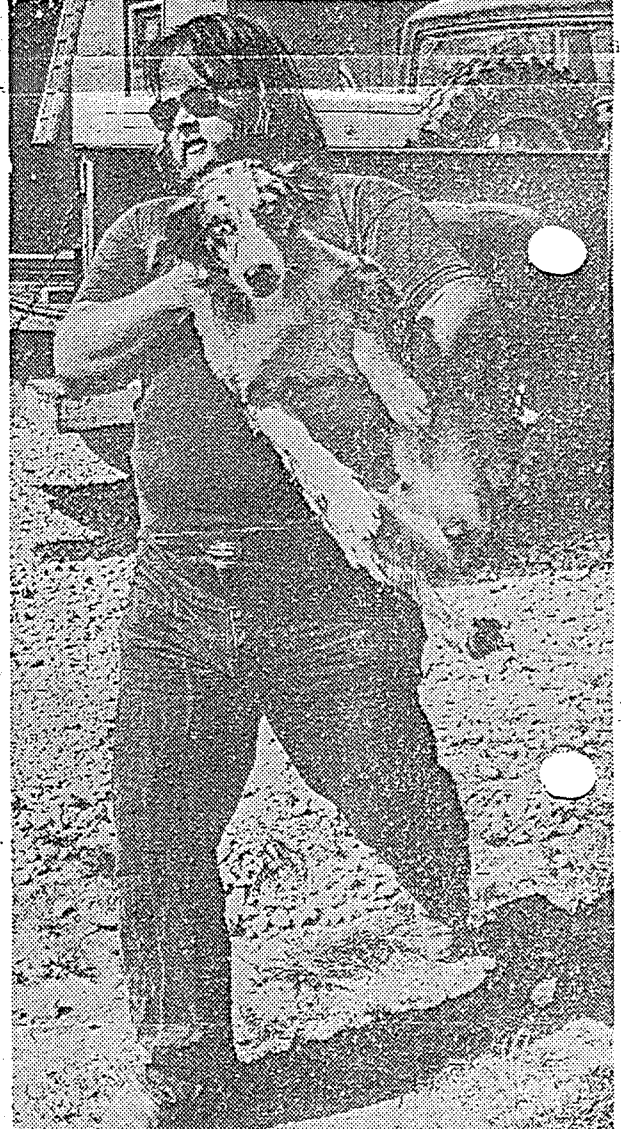
**THE DUTCHERS** left their home at 9165 S. Greenwich about 8:30 Sunday night after a Sedgwick County sheriff's officer told them about the leak.

The valve malfunctioned about 8 p.m., and the evacuees were allowed to return to their homes about 11:15 p.m. Officials said the tank car would be unloaded about 2 a.m. Monday.

But the car wasn't unloaded, and less than 10 hours later many of the same people had to leave home again.

The ammonia started leaking a second time when one of the men trying to fix the valve "went back to see if the repair would hold by removing a temporary stop (seal)."

● EVACUATION, 6A, Col. 1



Carl Dutcher of 9165 S. Greenwich carries one of his dogs as he prepared to evacuate Monday.



# Ammonia Controlled After Second Attempt

● EVACUATION, From 1A said Emmette Smith, general manager of Oklahoma Nitrogen Co. "But it didn't hold."

THE COMPANY makes ammonia for W.R. Grace & Co., which owns the car. Grace is a conglomerate with one division that manufactures industrial chemicals.

The second evacuation lasted less than three hours and residents again were allowed to return to their homes at 11 a.m.

"The Sheriff's Department told us they were going to evacuate again," Jane Dutcher said Monday, as the couple loaded their five horses into a trailer and headed for Wichita. "I thought they would get it capped and move it."

The couple returned home about 7:30 Monday night.

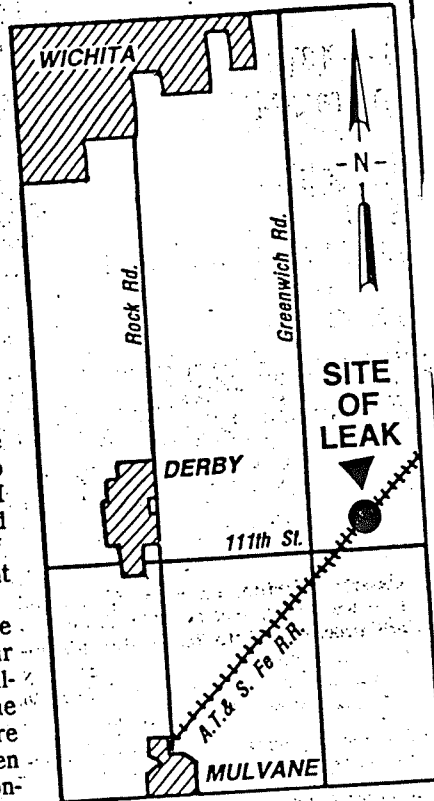
The Dutchers' neighbors, Dave and Bonnie Johnston, loaded their two horses and two dogs into a trailer Sunday night and went to the Derby police station until they were allowed to return home. But when officials evacuated the area Monday, the Johnstons, who live at 9161 S. Greenwich, stayed home.

"We didn't leave this time because the wind changed direction," said Bonnie Johnston. "And my husband and I used to work with ammonia."

The wind Sunday was from the southeast, but Monday it was from the northwest and carried the gas away from the Johnston's home.

The tank car was not unloaded until Monday afternoon because a special team of workers needed more time to stop the leak, Smith said.

"The main thing was, our man was notified at 8:30 (p.m. Sunday) and he had to get equipment ready to drive up there and find out what



was wrong," Smith said. "Closing the valve by some outside force would not be safe because it would still leak."

CREWS STARTED unloading the ammonia into tanker trucks about 2:30 Monday afternoon. The process was expected to take eight hours.

When the transfer was finished, a crew was to take the tank car back to Grace's plant in Woodward, Okla., for repairs, Noordhoek said. The leak was discovered by the conductor of the 89-car train, who saw smoke coming from the middle of the train, said Santa Fe spokesman Gil Sweet. The train was en route from Wellington to Emporia.

John Conish  
6503 Charlotte  
Maunee, (Lansons  
66216  
Jan 17, 1984

Dear Elizabeth:

We don't have <sup>sensing</sup> devices in interchange & industry switching. We must maintain the Calcores as a place to ride while inspecting moving equipment from point to point both for the safety of the ~~the~~ trainmen and the people who live and work near the railroads. Should a load of LP Gas or some other highly flammable chemical start leaking thereby creating a potential for a major fire or incident, it must be spotted immediately and the appropriate action taken to nullify and/or minimize the effects of same. Considering the highly explosive nature of so many of today's chemicals, it is suicidal to haul them through highly populated areas without proper supervision. The detection devices positioned to inspect over the road trains are often rendered inoperative because of the weather extremes experienced in this part of the country. Anyway, none have been designed to detect a box car on fire, a leaking tank or an open or swinging door. All good reasons to keep the Calcores on the railroads.

Sincerely,  
John Conish  
Drabman & Sichelman

D.H. JOHNSTON  
551 - County Line Rd.  
K.C. KS 66106

Dear Elizabeth,

I would like to relate to you an incident concerning a definite safety advantage to be had in reference to running cabooses on the rear end of today's high-speed, heavy equipment freight trains.

The AT&SF Railway has 2 main lines running just on the southern edge of Melvern, Kansas which, as I'm sure you know, is a small rural community approximately 80 miles west of Kansas City.

It happened, that a few years ago, a high speed freight, I believe eastbound, was going through Melvern when, approximately 15 cars ahead of the caboose jumped off the rail & in the next ensuing moments several others derailed, among <sup>them</sup> a car of peanut oil which became involved in a violent explosion, at which time the head end (engine crew) was unaware. At this point the caboose crew immediately summoned for help (police, fire dept. etc.)

Although a great amount of fire damage occurred, & some nearby residents at the scene suffered burns, it became apparent after the smoke ~~was~~ cleared that much more devastation & human suffering was avoided due to the presence of crewmembers on the caboose taking prompt appropriate action.

Needless to say if just one occasion  
such as this can be avoided in the future  
then I'm sure you'll readily agree that  
the continued placement of caboose on  
the rear of trains is well worth it!!

Sincerely  
Daniel H. Johnston  
Switchman - Brakeman  
AT&SF Railway

**INCIDENTS INVOLVING TRAIN SET FIRES**

HOMER W STOTTLEMAN

951 S 74

KCK 66111

January 18-1984

Dear Elizabeth

While working as head brakeman on  
A local in the summer of 83 between  
Banner Spigg and Leavenworth Kansas the  
rear end crew radioed to the engine that  
a fire had start along a fence row and  
into a farmers wheat field and requested that  
the head end radio the traffic control at  
turn since our radio was more powerful  
and notify the local fire department and inform  
them of such and take proper action.

Since this is the only train that works on  
this branch and the crew had not been on way  
and took notice of this incident this would have  
went unnoticed and could have been  
very devastating in surrounding area.

Sincerely  
Hw Stottleman  
Brakeman

DK - Record  
113 S. Saxony  
Olathe, KS. 66116

January 18, 1984

Dear Elizabeth

I believe we should definitely retain the cabooses, for one of several reasons one, in which I will explain. On or about 14 months ago, the caboose stopped out side the Amsox indust. when a fire started in a very densey populated area, If it had not been for the caboose, with radio communication, I was able to contact the authorities, to put this already out of control fire out. I honestly believe that the caboose can be and should be carefully considered to remain a part of the vital necessity which it has proved over the last fifty years.

Thank you  
David R. Peck

DATE 24 OCT 83 18:47:26  
EASTBND TRAIN 564X1

REPORT GENERATION  
CLEBURNE ON OCTOBER 24, 1983 AT 18:45  
TRACK 2008

SEQ.	CAR	CAR	CAR	ON/LIN.	GRS.	FROM	TO	OFFLN	DESTIN.	SCHI.
NUM.	INIT.	NUMBER	KND.	E. CONTEN.	DESTIN.	RAJIP.	WLT.	STATN.	STATN.	CONSIGNEE
1	ATSF	999121	Z	E	8318		24		IN SERVICE	
2	CONX	2254	T5F	E	1712		40		CONOCO	NP
NO PLACARDS REQUIRED										
3	CPI	389475	C4C	E	A	6	CO	30	NEPHTON	ON
4	CPAA	387764	C4C	E	A	6	CO	30	NEPHTON	ON
5	ATSF	101407	CDC	L	GLASS	90	CR	130	BERLIN	NJ
6	ATSF	101413	CDC	L	GLASS	3647		123	MANVILSERVIC	
7	ATSF	303400	CDC	L	GLASS	6	GTW	124	BROSSARD	PO
8	ATSF	310092	C2E	E	F43937	6655		28	PILLSBURY	
9	GACX	47112	C2E	E		6655		40	PILSBURYCO	
10	ATSF	37540	O6	E	H	1808		52	AUTOPARTS	
11	NATX	77402	T5G	E		4327		35	NATBYPROD	
12	PSPX	5839	C5I	L	PLASTC	2171	MP	100	WINFIELD	KS
13	ATSF	525638	JST	E	H	1794		39	RALSTONPUR	
14	UTLX	14094	T3E	E		1630		40	UTLXSHOP	NP
NO PLACARDS REQUIRED										
15	GATX	49158	T5G	E		840		42	VALAGRI	NP
NO PLACARDS REQUIRED										
16	UTLX	79286	T4F	L	PETOIL	1712		100	CONOCO	NP
NO PLACARDS REQUIRED										
17	GETX	3007	T5I	E	4910185	1630		35	GETTY	FL
FLAMMABLE LIQUID										
18	TCAX	60637	CDC	E		6655		35	AGENT	
19	UTCX	44325	C4C	E		6655		35	AGENT	
20	TCAX	60640	CDC	E		6655		35	AGENT	
21	PLCX	18290	CDC	E		6655		35	EDTY	
22	PLCX	18203	CDC	E		6655		35	ENID	OK
23	DOWNX	6605	T5G	L	4915157	840	GCW	100	GARCITY	KS FL
COMBUSTIBLE LIQUID										
24	ATSF	309255	CDC	E	H	637		30	WASHTRACK	
25	ATSF	81587	H3C	E	A	1712		29	AGENT	

GEND 25 CARS 7 LOADS 18 MTYS 1346 TONS 1369 FEET IN LENGTHD

END REPORT

89

21

68-4568

10-25-83

Hot box detector at MP 405.4  
 Stopped Train 564X1 at 6:55 AM Train  
 had 89 cars 5700 ft long readout was  
 14 N rail delay time 5 mins.  
 Without a WC + MEN ON REAR  
 END OF TRAIN INSPECTION could  
 have taken 2 hr.

*[Signature]*  
 CONDOR



9-2-83

Train 1520-B-1 about 3:30 P.M.

Eng. # 3700

15 poles west of M.P. 27

just west of saw fire  
on N. side of rail not noticed by  
head end.

1 at M.P. 21

14 at M.P. 20

6 at M.P. 18

2 at M.P. 17

D.K. Gower

LAJUNTA CO  
 ADDRESS SERVICE MESSAGES TO UXP (P492050). REFER TO NUMBER 4765.  
 YOUNG  
 LOWMAN  
 MORGAN  
 BERG  
 STRAIN  
 FAIRBANKS  
 S.O.  
 CREW CLERK  
 CLIC  
 C&E 1515/16 SEPT. 2 & SEPT. 3  
 C&E 1519/20  
 SEBO  
 MARK  
 BOHANNAN  
 CREW CLERK  
 SEBO /  
 C&E 1591/92  
 C&E 1592 SEPTEMBER 2  
 AGENT  
 RANDOLPH  
 C&E 1520 SEPTEMBER 2  
 EGBERT  
 C&E 1511/12 SEPT. 2 & SEPT. 3  
 TATE  
 C&E 1561/62 SEPT. 2 & SEPT. 3  
 CARROLL  
 C&E COLO. SPGS. SWI 9/2 & 9/3  
 GRISWOLD  
 ANDERSON  
 SPARKS  
 MASON  
 MCCULLOUGH  
 BROWNING  
 POWERS  
 BARNES  
 LUCERO  
 MARTINEZ  
 C&E 1541 SEPTEMBER 3  
 SCHNAUBERT  
 ALLISON  
 S.O.  
 C&E 1542 SEPTEMBER 2  
 MERRITT  
 CREW CLERK  
 GARCIA

LAJUNT P492056  
 LAJUNT P492053  
 LAJUNT L118433  
 LAJUNT L116323  
 DODCIT P391406  
 DODCIT L116200  
 DODCIT P391406  
 DODCIT P391406  
 DODCIT P391406  
 DODCIT P391406  
 DODCIT P391406  
 DODCIT P391406  
 NEWTON P391427  
 NEWTON P391415  
 NEWTON P391419  
 NEWTON P391419  
 NEWTON P391419  
 SATAN P391585  
 SATAN P391585  
 SPRING P391285  
 SPRING P391285  
 BOICIT P391589  
 BOICIT P391589  
 GARCIT P391297  
 GARCIT P391297  
 BIGLIF P492067  
 BIGLIF P492067  
 COLSPR P492320  
 COLSPR P492320  
 PUEBLO P492307  
 PUEBLO P492307  
 PUEBLO P492307  
 PUEBLO P492307  
 PUEBLO P492307  
 PUEBLO L116431  
 RATON P492331  
 RATON P492331  
 LASVEG P492112  
 SANFE P492337  
 SANFE P492337  
 ALBUQU P492264  
 ALBUQU P492267  
 ALBUQU P492264  
 ALBUQU P492264  
 CLOVIS P492186  
 CLOVIS P492207  
 BELEN P492165

*Handwritten notes:*  
 1510-15 About 330  
 W of Northgate  
 Side of Red...  
 I of...  
 Co of NP 1 & 2 at 17  
 DR Sawyer

FOLLOWING LOCALS WILL BE ANNULLED OR AMENDED OVER LEGAL HOLIDAY LABOR DAY SEPTEMBER 5:

- \*\*
- 1511/22 WILL BE ANNULLED SEPTEMBER 5, 1983
- 1515/16 WILL BE ANNULLED SEPTEMBER 5, 1983
- 1519 WILL BE ANNULLED DODGE CITY-BOISE CITY SEPTEMBER 4, 1983
- 1520 WILL BE ANNULLED BOICE CITY-DODGE CITY SEPTEMBER 5, 1983
- 1591 WILL BE ANNULLED SATANTA-SPRINGFIELD SEPTEMBER 4, 1983

- 1592 WILL BE ANNULLED SPRINGFIELD-SATANTA SEPTEMBER 5, 1983
- 1561/62 WILL BE ANNULLED SEPTEMBER 5, 1983
- COLO SPGS SWITCHER WILL BE ANNULLED SEPTMEBER 5, 1983
- 1542 WILL BE ANNULLED ALBUQUERQUE-SANTA FE SEPTEMBER 5, 1983
- 1541 WILL BE ANNULLED SANTA FE-ALBUQUERQUE SEPTEMBER 6, 1983

\*\*  
 Q-17  
 CC: JMT SLF DS1 DS2  
 YOUNG.....3:00PM

..... END REPORT .....

UNITED TRANSPORTATION UNION

R. L. Hitz

510 N. Thompson

Pratt Kansas 67124

August 29, 1983  
Pratt, Kansas

*Rec'd  
8/30/83 AM  
KSCB-UTU*

P.O. Box 1008  
Pittsburgh, Kansas

Dear Brother McGlothlin:

I was Conductor on train 01-LACHT-23, the Extra 6370 East, August 26, 1983. We had 68 cars mostly T.O.F.Cs. With a few 50 foot cars just ahead of caboose.

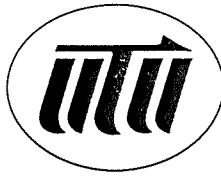
About 4:00 A.M. just west of Canton Kansas we set a right of way fire. After discovering fire I found brakes sticking 24 cars ahead of caboose. Was able to notify Dispatcher before fire got out of control. Kansas was extremely dry with a high fire danger at that time. Would not have discovered fire if had not been on the caboose at that time.

I thought you might be able to use this Genral Order.

Respectfully yours

*R. L. Hitz*

R. L. Hitz, Vice-local Chairman  
U.T.U Local 1126  
Pratt, Kansas



**united transportation union**

8-21-83

Dear Sir.

AT&SF Train H03 T-8 7-20-83 Eng 3542-6327-3502  
set 2 Fires from MP 332-328 2nd Dist & one at  
MP 274, These Fires were reported by Lonh G. Stultz

T. D. Rose  
L. Chairman  
Newton Ks.



# Santa Fe

7-20 1983

TRAIN ORDER NO. \_\_\_\_\_

To Train 403 TG Engs 3542-6327-3502

At X Opr. M.

403TG SET 11 Miles from MP 332 To  
MP 328 at Defont and one at MP 274  
Engs Soukerson Bkm Pontier & Hampton  
Cond's Stalls

THIS MARGIN NOT TO BE WRITTEN UPON

THIS MARGIN NOT TO BE WRITTEN UPON



Complete M. Opr. M.

**INCIDENTS CONCERNING CAR-TRAIN WRECKS**

December 30, 1983

Mr. O. D. Moseley  
Legislative Representative  
UTU Local #794  
Wellington, Kansas

Dear Brother Moseley:

I was working as Conductor on the Caboose of Santa Fe  
309 W 1 Train the morning of December 24, 1983 at approx.  
0200 hours.

As we crossed a country road crossing one mile east  
of Attica, Ks I noticed a pick-up truck in the ditch  
on the south side of the main track. It appeared to  
me as if the driver had taken to the ditch instead  
of hitting our train. I called our Railroad Terminal  
on the radio and they in turn called the Attica  
Police Department to investigate.

*D. B. Washburn* by *OPM*  
Conductor D. B. Washburn  
UTU Local #794  
Wellington, Kansas

# Santa Fe

## WIRE REPORT OF ACCIDENT

CHEROKEE, OKLA Station

8-27 19 83

To ACCIDENT AMARILLO at CHEROKEE, OKLA

1. Train 222-Z-1 Direction EAST Conductor C. FRY Engineman F. D. LORD

2. Place CHEROKEE, OKLA Time 0145 AM Date 8-27-83 Speed 5 MPH Weather CLEAR DARK

Temperature 80° Type of track (main, yard, siding, industry) MAIN TRACK

3. No. of loads in train 15 No. Empties 32 No. Tons 2481 Engine Units 3626, 3629, 3652

Were hazardous materials in the train or switch cut at the time of the accident? YES

4. Nature and cause of accident CAR STRUCK SIDE OF TRAIN

5. Did accident occur starting, stopping or when running? Running

6. Is car defective? NO If so, explain details \_\_\_\_\_

7. Is main track obstructed? NO How long take to clear track? \_\_\_\_\_

8. What is position in train of damaged cars? None

9. Equipment damaged and detailed:

INITIALS	NUMBER	CONTENTS	DESTINATION	TO WHAT EXTENT DAMAGED
<u>None</u>				

10. Were there any persons injured or killed? If so, give their names, addresses and occupation, extent of injury and disposition. State whether employee, passenger or trespasser. Furnish name, title and location of investigating officers. State in whose care body left or location to which removed and by whom. LARRY McMillin Complainant of BACK PA

ALFALFA COUNTY EMS TRANSPORTED TO ALFALFA CO HOSPITAL

CHARLES TUCKER - CHIEF of POLICE - CHEROKEE, OKLA

PAUL MICHAEL - POLICE OFFICER - CHEROKEE, OKLA

11. Name and location of crew members at time of accident F. D. LORD - Engineman - AT CONTROLS OF ENGINE, M.K. COCHRAN - REAR BRAKEMAN - ON LEAD UNIT, D. R. ANDERSON - HEAD BRAKEMAN - ON LEAD UNIT, C. FRY - CONDUCTOR - ON REAR STEPS OF WAY CAR.

12. How long delayed? 1:00" Further particulars WIE WTC PULLING ON TO MIDDLE DIV MAIN LINE FROM PRAIRIE DIV. WHEN CAR STRUCK SIDE OF TRAIN

Signature C. FRY

Conductors, Enginemen and/or Engine Foremen and others making reports of accidents by wire will use this form in every case. Be careful to answer all questions noted above. In transmitting report, operators will give NUMBERS and ANSWERS of questions ONLY. When received on printer's report will be transferred to form 810 Special, page 1 and page 2. Conductors will keep a supply of these blanks and a supply of same will also be kept at all stations. Agents and operators must send this report promptly.



13. Name and address of driver at contact? LAWRY McCallister  
 Names and addresses of occupants? WOMAN
- Was the driver in the vehicle at the time of impact? YES
- How many persons were in the vehicle at the time of impact? ONE
14. License number, make and kind of vehicle? ME 1458 OKLA 1970 FORD GALAXIE 500
15. Estimated speed of vehicle 30 mph
16. Did vehicle approach from right or left side? RIGHT  
 What geographic direction was the vehicle moving? NORTH
17. Extent of damage to vehicle? Estimated monetary damages to the vehicle? LEFT FRONT FENDER, REAR LEFT REAR FENDER
18. Did train strike vehicle or vehicle strike train? VEHICLE STRUCK TRAIN  
 If the latter, state where struck 47TH CAR BEHIND ENGINE, ATSF 313449
19. Was view obstructed for driver? NO
20. If obstructed, state how obstructed \_\_\_\_\_
21. Straight track or curve? CURVE
22. Was whistle sounded? \_\_\_\_\_ Was engine bell ringing? \_\_\_\_\_
23. What effort made to stop when it was seen collision unavoidable? PUT TRAIN IN EMERGENCY
24. How brakes applied? FROM WAY CAR
25. Show U.S. DOT-AAR crossing inventory number, also mile post plus feet location ATSF 17951C, MP 299.9

26. Kind of highway crossing warning devices, "Crossing sign" - "Flashing Light" - "Wig Wag" - etc. If crossbucks are the only warning on which side is it located (both sides, side of vehicle approach, or opposite side from vehicle approach)? CROSS BUCKS - BOTH SIDES

27. If other than "Crossing sign", was it working? \_\_\_\_\_
28. Distance of train from crossing when vehicle or person first observed ON CROSSING
29. In case of switching movement, was crossing protected? \_\_\_\_\_  
 State where each member of crew stationed at time of accident \_\_\_\_\_

30. For persons witnessing accident show information below:

NAME	OCCUPATION	POST-OFFICE ADDRESS
<u>WOMAN</u>		

Signature A F FRY

Paul F. Cregan

6325 Riley

Overland Park Kans. 66102

Dear Elizabeth,

I am writing in regard to the mandatory caboose law. I myself have been in the position when backing up my train it was necessary to sound whistle and apply air brakes in order to avoid accidents going over public road crossing. Without the caboose I believe it would be a hazard to the public and the railroad workers themselves.

Yours truly,

Paul Cregan

On 10-10-83 o/f 10:00 PM train KO extra 3442 East UP Cab. 25413  
Destination MSV to CoB.

Eng. B. K. Reeves, Cond. J. R. McCreary, Fireman G. B. Lett II.,  
Brakeman T. P. Thompson and Brakeman K. E. Kelley.

At Appx. 12:30 AM 10-11-83 extra 3442 East was in the clear at  
pass at Beatrice M.P. 50-97 clearing for C.K. extra 3783 West.  
Eng. E. A. Holmstrand, Cond. R.R. Harding, Fireman D. W. Carney,  
Brakeman J. D. Richards, and Brakeman D. R. Hughes.

Cond. Harding's crew was working CK extra 3783 West, and were  
coming on the main line western movement passing Cond. McCreary's  
crew cleared on pass.

At this time Brakeman Thompson and Conductor McCreary from their  
Caboose viewed an Auto traveling East to West missing the Railroad  
Crossing on the main line located between the Beatrice Depot  
and the pass switch, and becoming high centered on the main line.  
Immediately Radio contact was made from Caboose of KO extra 3442  
East to Eng. on CK extra 3783 West telling him to bring his Train  
to an emergency stop. This was done as visual contact of that  
crossing was impaired for the Eng. on the CK extra 3783 West  
due to the curvature of the main line. Cond. McCreary made Radio  
contact with the Omaha Dispatcher advising him on the circumstances,  
Cond. McCreary and Brakeman Thompson assisted the Auto, along  
with the Beatrice Police, in freeing it from the main line.

The Driver and Passenger were young women in their early 20's  
and were intoxicated.

The Omaha Dispatcher was notified that no apparent Rail damage  
had occurred, and both East and West bound Rail traffic could  
commence at restricted speed, but that Section should observe  
the condition of the Rail in the daylight.

Brakeman Thompson observed movement of West Bound CK extra 1783,  
to insure safety of CK extra 3783 train and crew over this portion  
of Rail.

It is obvious to me that without a Caboose at the rear of Train  
extra 3442 East KO, that untold damage to Union Pacific equipment,  
Freight, and employees would have occurred, not to mention 2  
young lives having been extinguished.

With the possibility of this incident or one similar ever occurring  
again, there can be no question as to the important role the  
Caboose plays, both to the Company and to the Public.

Fraternaly yours

  
Conductor J. R. McCreary

cc: M.E. Merritt, G.M., UP RR  
Nebraska Senators and Representatives

## VEHICLE-TRAIN ACCIDENTS IN KANSAS

From: KANSAS RAILROAD SAFETY STATISTICS  
Compiled by: Kansas Corporation Commission

	Highway Vehicle Striking Train	Train Striking Highway Vehicle
1968	34	76
1969	46	66
1970	31	61
1971	36	55
1972	26	68
1973	34	60
1974	38	80
1975	108	171
1976	90	143
1977	99	166
1978	94	169
1979	93	187
1980	Information Not Available	
1981	46	147
1982	67	105

Note: 35.9% of all accidents are highway vehicles striking trains.  
94% of the accidents happened in the dark



SUMMARY OF ALL RAIL-HIGHWAY GRADE CROSSING ACCIDENTS

STATE	IYR	ACC1	ACC2	ACC3	ACC4	TOTAL
KS	80	3	12	72	128	215
KS	81	2	12	45	139	198
KS	82	3	8	65	101	177
STATE TOTAL		8	32	182	368	590
MD	80	4	10	59	187	260
MD	81	9	11	31	154	205
MD	82	1	10	31	149	191
STATE TOTAL		14	31	121	490	656
UT	80	0	4	14	44	62
UT	81	2	2	12	40	56
UT	82	2	6	15	36	59
STATE TOTAL		4	12	41	120	177
FINAL TOTALS		26	75	344	978	1,423

NOTE: ACC1 - highway user struck train making pushing movement.  
ACC2 - train making pushing movement struck highway user.  
ACC3 - motor vehicle struck train (other than in a pushing movement).  
ACC4 - all other accidents.

# Brotherhood of Locomotive Engineers



GENERAL COMMITTEE OF ADJUSTMENT  
SANTA FE EASTERN & WESTERN LINES

4411 RIDGECREST DRIVE, DALLAS, TEXAS 75109

GENERAL CHAIRMAN  
L. D. MCFATHER

8064  
RECEIVED

JAN 12 1984

January 9, 1984  
1170-50

*Please in  
elimination of caboose  
per Oct 10, 1982  
Met Agreement*

UTU-ATSF-GCA COPY TO:  
C & T

JACK A. MCGLOTHLIN W/ATT.  
KANSAS SLD  
1-12-84 hmp

*h  
gm*

Mr. L. Cena  
President  
The AT&SF Railway Company  
80 E. Jackson Blvd.  
Chicago, IL 60604

Dear Sir:

With reference to Santa Fe's alleged intent to eliminate cabooses:

As you know, we have reported instances in the past to you and other officials, wherein the crew on the caboose discovered or acted to correct unsafe conditions, thus preventing accidents. For your ready reference, we are attaching copies of two such letters. In two situations discussed therein, the engineer lost control of the air on the head end and through radio contact with the conductor on the caboose, the train was again brought under control. Had there not been a rear end crew, in all likelihood there would have been loss of life and extensive property damage. Such occurrences are not uncommon, although not always reported.

It is the position of this Committee that the caboose is necessary, and that we need a crew on the rear of the train. The value of a life cannot be measured in dollars and cents, and we trust you will take that into account, along with the potential loss of millions of dollars in property damage, when you make your determination as to the course of action the Carrier will take concerning the elimination of cabooses.

Yours truly,

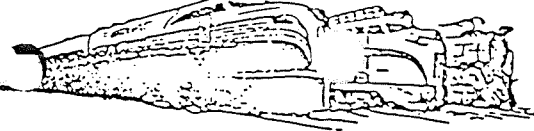
L. D. McFather  
General Chairman

LDM/ab  
Encl.

cc: Messrs. J. R. Fitzgerald  
F. L. Elterman  
M. R. Hicks



# Brotherhood of Locomotive Engineers



GENERAL COMMITTEE OF ADJUSTMENT

SANTE FE EASTERN & WESTERN LINES

1761-A AVONDALE, AMARILLO, TEXAS 79106

806/PHONE 363-9301

COMMITTEE:  
J. M. LOTZ, 1ST VICE CHAIRMAN  
R. L. BANGERT, 2ND VICE CHAIRMAN  
J. W. McDONALD, SECRETARY-TREASURER

GENERAL CHAIRMAN  
L. D. MCFATHER

January 22, 1979  
320-40

Mr. J. R. Fitzgerald  
General Manager  
The AT&SF Railway Company  
900 S. Polk Street  
Amarillo, Texas 79171

Dear Sir:

I am enclosing statements from Conductors Coffee and Dickson concerning an incident which occurred at Snyder, Texas. You will note that the caboose on Train 695-D-1 was in the interlocking plant, waiting to meet Extra 5613 West. The dispatcher lined the interlocking plant and the westbound received a clear signal indication while the caboose was still fouling the main line.

We would appreciate your investigating this matter, seeing the proper corrections are made to protect our crews. Please advise.

Yours truly,

L. D. McFather  
General Chairman

LDM/ab

cc: Mr. E. Trimble

Serving Since 1863



o  
p  
y  
Dillon - Lubbock  
Signal Maintainer - Snyder  
Chief Dispatcher - Amarillo  
Trainmaster - Slaton

Train 695D-1 X5619 entered siding at Snyder 0415 1/5/79 to meet X5613 West. Stop train back of main street crossing, which left rear of train standing in the west switch interlocking. Rear trucks of waycar on the frog. X5613 West informed by radio 695 train was not in clear but would pull in clear before they arrived. X5613 reported by radio that Snyder westbound approach signal was clear block. Rear end crew of 695D-1 then found west main line signal clear while rear of train was still in west interlocking. Reported incident to Snyder operator.

C. E. Dickson  
Cond. 695D-1

c  
o  
p  
y  
Jan. 5, 1979  
4:35 AM

Supt. K. C. May - Amarillo  
Trainmaster - Slaton  
Signal Supt. - Amarillo  
Chief Engr. Signal - Topeka

This date and time Train 5613 West met train 5619 East at Snyder.

Train 5619 East upon arrival at Snyder stopped head end of their train clear of main crossing. 5619 East's caboose was stopped straddle of west main line frog. Cond. Dickson was on train 5619 East, and he radioed our crew on 5613 West and told us where they were stopped and that they would pull their train into the clear in siding at Snyder as soon as we were close to Snyder. Engr. Pricer (?) on Train 5613 West called Cond. Dickson on the 5619 East and asked him to report where his caboose was, because we had a clear approach signal for Snyder. Also, before 5619 East was in the clear at west end, we had a clear westbound signal at the east end Snyder.

Cond. Dickson on the 5619 East instructed his engineer to pull their train into clear. Cond. Dickson said the westbound main line signal was clear as they pulled by it.

I instructed my engineer on 5613 West to stop at the west end Snyder and inspect switch before pulling over it. The switch was properly lined. We notified dispatcher by radio through operator at Snyder.

Cond. R. W. Coffee



# Brotherhood of Locomotive Engineers

GENERAL COMM OF ADJUSTMENT

SANTE FE EASTERN & WESTERN LINES

1761-A AVONDALE, AMARILLO, TEXAS 79106

806/PHONE 355-9301

COMMITTEE:  
J. M. LOTZ, 1ST VICE CHAIRMAN  
R. L. BANGERT, 2ND VICE CHAIRMAN  
J. W. McDONALD, SECRETARY-TREASURER

GENERAL CHAIRMAN  
L. D. MCFATHER

September 22, 1978  
320-30

Mr. L. Cena  
President  
The AT&SF Railway Company  
80 East Jackson Blvd.  
Chicago, Illinois 60604

Dear Sir:

We were advised today that Plains Division Engineer B. J. Doss was involved with a very serious mechanical failure while operating Train 358-S-8 between Glazier and Clear Creek on the Second District of the Plains Division. Engineer Doss attempted to make a normal air brake reduction, and, after going to full service with still no brake application, he radioed the conductor on his train and asked that he apply the air from the rear of the train. The conductor did so, and they came to a safe stop. This incident occurred on September 19, 1978; at approximately 9:00 PM. Engineer Doss examined the trainline and found a pinched air hose on the rear of the first car behind the engine.

After discussing this with my local chairman, I was informed that an incident of this exact nature occurred on June 4, 1978, at approximately 6:50 PM, involving Engineer J. C. Hamilton on Train 358-D-8. Engineer Hamilton also found a kinked air hose three cars from the head end.

I have been told that several other engineers have encountered similar problems in regard to restricted flow of the air, due to the mechanical setup of the brake pipe in relation to the sliding drawbar.

I am enclosing statements from Engineer B. J. Doss, Engineer Hamilton and Conductor R. L. Skaggs. In Engineer Hamilton's case, he was attempting to stop for a red signal at the west end of Glazier while Train 713 was lined into the siding. Had the radio failed in this instance, there would have been a head-on collision, resulting in not less than loss of lives and a tremendous cost for lost equipment.

Serving Since 1863



We cannot emphasize strongly enough the seriousness of this condition. We request your immediate attention to calling these cars in for mechanical modification or removing them from service.

May we have your prompt reply?

Yours truly,

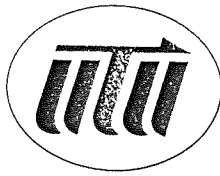


L. D. McFather  
General Chairman

LDM/ab

Encl.

cc: Messrs. D. G. Ruegg  
M. B. Adams  
R. D. Shaver  
J. R. Fitzgerald  
H. J. Briscoe  
J. F. Sytsma  
W. C. Huebner  
T. L. Henderson  
C. A. McDaniel, Jr.



*united transportation union*

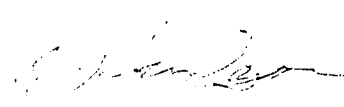
January 6, 1984

J.A. McGlothlin, Dir.  
2809 North Broadway, Suite F  
Branch P.O. Box 1008  
Pittsburg, Ks. 66762

Dear Brother McGlothlin;

I was on a 6635 on the 12-22-83, which was a R.E.C. Grain train, with 3 units in the lead and 3 units 49 cars from the rear of our train. Our train had 120 cars and was 7200 feet long. We had went to Oklahoma City to pick up this unit train which was left on the north tract at 16th street. On arrival, the engineer released the air on the train and after a reasonable length of time began to move the train. As he was pulling our train by, I and the rear brakeman checked our train for hand brakes and air leaks and any other defects. When the rear car reached the crossing, I told the engineer to stop as we noticed there was not a waycar on the rear of the train, and on the rear car the air was blowing through. The train line easily with 3 units on the head end and 3 units midway in the train which kept the air released. So we closed the angle cock on the train line and backed the train about a mile to the remainder of the train. We then made an air test on the entire train.

If we had all got on the head-end of our train, we wouldn't have known that the way car and 3 other cars were not attached to the rear of our train. On these types of trains and the way the units are spaced keep the air released, I feel it is very important to have a way car on all trains.

  
R.W. Henderson  
Conductor  
R.D. L.C.  
Local #464

LETTERS OF COMMENDATION TO CABOOSE PERSONNEL

Shreveport, Louisiana

February 22, 1982

PR

Mr. H. J. Fiechtl  
Conductor, Pittsburg

✓ Mr. S. H. Dollar  
Brakeman, Pittsburg

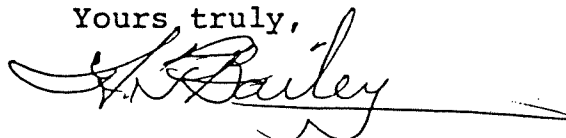
Gentlemen:

I would like to commend each of you on your actions and handling while you were crew members on Extra 632 South No. 81's connection, February 19, 1982.

Your keen observation of cars derailed in your train and getting stopped most certainly saved our Company a great expense.

I appreciate each of you and your compliance of Operating Rule 111. This type of on job responsibility will insure our jobs and the future of this Company.

Yours truly,



H. F. BAILEY  
Superintendent

Copy to:

Mr. J. Webb, Shreveport  
Mr. J. L. Deveney, Kansas City  
Mr. L. R. Gardner, Pittsburg  
Mr. D. K. Owen, Shreveport

Emporia, October 4, 1983

Conductor D. J. Sullivan - Turner  
Brakeman H. D. Muldoon - Turner

You were rear end crew on Train 593-BG-1 on September 27, 1983,  
Extra 5191 East.

I wish to commend you on your observance of Rules 90 and 947  
while performing service on the above mentioned train. While calling atten-  
tion to slow orders, advising Engineer when rear of train is by a temporary  
slow order, and advising when train brakes release on caboose, is required  
by the rules, it is seldom that a rear end crew pays strict attention as  
you gentlemen did.

Again, I wish to commend you for your attention to duty and be  
advised a copy of this letter will be placed on your respective personal  
record files.

J. D. Conaway  
Road Foreman of Engines

AT + SF

JDC:jke

cc: PR--S-1488  
PR--M-1283

ARTICLE X - CABOOS

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.

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.

*R.R. Labor Act  
Fed. R.R. Safety Act*



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.

(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 and, if necessary, 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.

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.

WILLIAM A. MCGLOTHLIN  
STATE LEGISLATIVE DIRECTOR  
2809 NORTH BROADWAY, SUITE F  
BRANCH P. O. BOX 1008  
TELEPHONE (316) 232-2020  
PITTSBURG, KANSAS 66762



R. E. (RON) CALBERT  
ASSISTANT STATE  
LEGISLATIVE DIRECTOR  
1116 HARRISON  
TELEPHONE (316) 283-8041  
NEWTON, KANSAS 67114

*united transportation union*

KANSAS STATE LEGISLATIVE DEPARTMENT

ADDITIONAL EXHIBITS

In regard to H.B. 2706

Before the Transportation Committee  
Kansas House of Representatives

February 6, 1984

## Farm/1

# High Court Turns Down Rail Fee Suit

By John Ellement  
States News Service

WASHINGTON — The U.S. Supreme Court ended a legal dispute Monday between grain companies and railroads that began 12 years ago in federal district court in Wichita — without actually settling the disagreement.

The court refused without comment to review a 1983 decision by the 10th U.S. Circuit of Appeals that overturned a lower court's ruling, which supported the grain industry's position.

At issue was whether the entire grain industry west of the Mississippi River should be refunded money paid to railroads that charged grain shippers higher rates. The higher rates took effect in 1970 and were ruled improper by the Interstate Commerce Commission in 1975.

IN 1970, railroads began charging shippers an additional fee to pull a boxcar to the side to allow inspections of the grain's quality before it reached its destination. Previously, the operation was considered part of the basic rate charged grain shippers.

Left unanswered after 15 separate decisions by the Supreme Court, the U.S. Court of Appeals, two federal courts and the Interstate Commerce Commission, was just how much money was involved and just who was going to get it.

Charles W. Harris, a Wichita attorney who defended the railroads, including the Atchison, Topeka and Santa Fe, said that the total dollar value involved was "a number of millions of dollars," but that "it never really was finally determined who was going to get" a refund.

The railroad companies' legal brief filed with the court set the amount at \$3 million.

JOHN CUTLER, an attorney for the Washington law firm that brought the suit on behalf of the Kansas Corporation Commission, the Kansas City Board of Trade and 38 other grain industry groups, said the question of refunds was never settled.

A 1982 decision by a district court judge in Wichita had ordered the railroads to tally up how much it collected under the questioned rates, in order to ensure that the money would be sent back to the farmer, county elevator or shipper.

But the railroads, because they challenged that decision in court, never began the work the judge had requested.

December 28, 1978

Mr. J. R. Snyder  
National Legislative Director  
400 First Street NW Room 704  
Washington, DC 20001

Dear Sir and Brother:

This has reference to the Chicago, Rock Island and Pacific Railroad operating trains without cabooses for some time without too much incident.

However, on December 28, 1978 a local operated between Silvis, Illinois to Iowa City and return operated without a caboose and on return from Iowa City with 40 cars which included a P&H Crane from the CRIC Railroad at Iowa City destined for Virginia, 6 cars from the rear end. The boom from this crane became loose on arrival at or about 45th Street, Rock Island, Illinois swinging from north to south taking down all telephone poles, all electric utility poles, all crossing gates, all traffic signals (where street ran along the railroad) all main track railroad signals leaving this approximately 2 mile area in almost a disaster, the crane finally caught itself into the west bound track on the north side and buried itself derailing the car placing the train into emergency. This incident happened at approximately 6:30 A. M. between Rock Island, Illinois (45th Street) and (20th Street) Moline, Illinois, miraculously without any personal injuries of any kind.

This information being forwarded to your office so something can be done before some employee or general public passerby is injured or killed with this very unsafe practice of operation being allowed to continue. Please contact me if any further information is necessary.

With kindest regards and best wishes, I am

Fraternally yours,

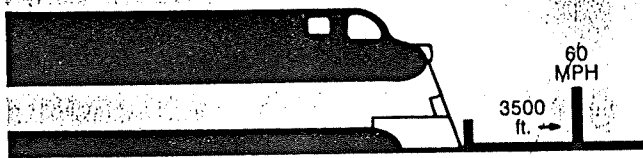
Ralph P. Tambaro  
Acting General Chairman



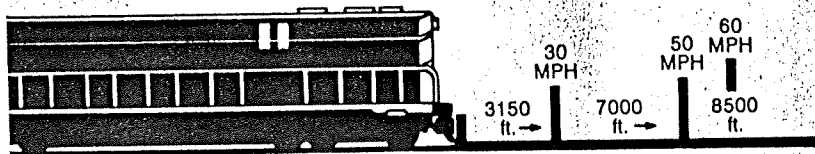
RPT:ww

cc: J. W. McGinness, ISL Director  
W. G. Miller, LC

Passenger Train—8 cars



Freight Train—150 cars



**Trains  
can't stop...  
you can.**

# Sun Downer International, Inc.

1802 HILLCREST DRIVE

EMPORIA, KS. 66801



Jan 13 - 1984

To whom it may concern:

Today from Santa Fe Way car 999305 We, the rear brakeman and myself, observed chains dragging 4 cars ahead of the way car, one chain from each side of the train.

These chains were approximately 15 to 20 feet long, and had become unhooked from an empty truck's flat bed trailer, loaded aboard a rail flat car. These chains were throwing rocks and snapping violently each time they hit the ground. With a train speed of approximately 50 mph.

We felt all vehicle traffic, especially windshields, track gongs, signal stands, mile post, whistle boards, were endangered and the possibility of the chains becoming attached to something firmly and the possibility of pulling the empty truck trailer over the side of the rail car created unsafe working conditions.



# Sun Downer International, Inc.

1802 HILLCREST DRIVE  
EMPORIA, KS. 66801



For safety sake to all involved, we stopped the train, Santa Fe 473-L1, and re-attached said chains and boomed them down with existing booms. Total time involved was four minutes.

a completely impossible to see or correct situation from a 5000 foot train, if the entire crew had been on the head end!

Sincerley

Santa Fe middle Division

Conductor H.C. Lyon

To whom it may concern

On Dec 10-1982 while working on Santa Fe way car

999268 on the rear end of of Santa Fe train 34851 (Engine 814

I noticed, during a routine visual inspection of the train, on automobile upon the south embankment with all doors open, the trunk open, the hood up and all the lights on getting dim very fast. Upon seeing this I made radio contact with the head end of our train and ask if they had hit on auto. - The response was no - so I ask if they had seen what I had seen - they replied no again my response was to inform the Engine crew that I felt as though some one had possibly ran into the train and even though we had 102 Cars and were 6,600 feet in length and almost 7000 tons in weight I wanted to stop the train and look up so I could check

Proceeding to stop the train took almost a mile so I told the engine crew that I would stop the train from the rear end when we made our rearward movement as I had lost track of this automobiles exact location

Arriving upon the scene, I did indeed find that a person had come over on elevated bridge and due to the darkness of the night and this persons unfamiliarity of the road and ~~it~~ less than 400 feet with in which to recognize a train

occupying the crossing and still get stopped, this party had indeed run into the side of the train which demolished the automobile and threw it into the embankment.

The party involved was most grateful to see some one stop as he was totally bewildered and the night temperatures was in the tens to low twenties with a very low wind chill index.

While awaiting for the authority to arrive, I invited the man into the way car to stay warm and as quickly as police reports were made, we were on our way.

Total time involved was 1 hour or eleven minutes more information can be gleaned from copies of form 827 Standard Santa Fe Time Return and Delay report as well as form 810 Standard Santa Fe Wire report of accidents.

I am thankful that we had a way car from which to work - as they are much more productive than they are given credit for.

Sincerely  
L. E. Hagan  
Santa Fe mid Div Condr.  
Seniority Dist # 1

To whom it may concern

On Dec 10-1982 while working on Santa Fe way car

999268 on the rear end of of Santa Fe train 34851 (Engine 214

I noticed, during a routine visual inspection of the train, on automobile upon the south embankment with all doors open, the trunk open, the hood up and all the lights on getting dim very fast. Upon seeing this I made radio contact with the head end of our train and ask if they had hit an auto. - The response was no - so I ask if they had seen what I had seen - they replied no again my response was to inform the Engine crew that I felt as though some one had possibly ran into the train and even though we had 102 Cars and were 6,600 feet in length and almost 7000 tons in weight I wanted to stop the train and back up so I could check

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Sincerely  
L. E. Hagan  
Santa Fe Mid Div Condr.  
Seniority Dist # 1

KANSAS CITY SOUTHERN LINES  
OPERATING RULES

EFFECTIVE

JULY 4, 1982

The rules herein govern the operation of the Kansas City Southern Lines and must be complied with by all employes whose duties are in any way affected thereby.

They supersede all previous rules and instructions inconsistent therewith.

Special instructions may be issued by proper authority.

The Kansas City Southern  
Railway Company

Louisiana & Arkansas Railway Company

Arkansas Western Railway Company

Fort Smith & Van Buren Railway Company

J. Webb  
Assistant Vice President-  
Transportation

Approved:

J. E. Gregg  
Vice President-Operations

111. **Road Inspection for Defects.** — When leaving stations, and at every opportunity on the road, conductors must carefully inspect and require their trainmen to carefully inspect the train for defects.

If train is moving when defect is discovered, train must be stopped.

Forward crew members must frequently look back and rear trainmen must frequently look ahead, especially when moving around curves and approaching and passing stations, to observe signals and the condition of the train.

When approaching and passing through stations and yards or passing over railroad crossings, drawbridges, track covered by speed restricting orders, or on long descending grades and other places where safety requires, conductors and brakemen must, when practicable, station themselves where they can observe and transmit signals and assist in stopping train, if necessary.

In starting trains, the speed for the first train length should be such as will permit full inspection by train crew and permit them to safely board the train.

When leaving stations at which stops have been made, a member of crew should be on rear platform, when practicable, to observe hand signals or conditions on either side of train.

111(a). Whenever a train breaks in two because of a high or low coupler, car will be set out at the next station regardless of contents and chief dispatcher notified immediately. The conductor in notifying the chief dispatcher will give the following information:

- (1) Initial and number of the two cars between which the break-in-two occurs.

- (2) Location in train from caboose or head end.
- (3) Mile Post location at point where train first went into emergency and location where car set out.

111(b). When cars with hot boxes are set out, fire must be extinguished, pad removed and box lids closed on conventional journal cars, and necessary precautions taken to prevent further ignition. Cars set out account defects, and their lading, must clear other tracks.

When cars are set out on line bad order, they must, when possible, be spotted at locations where necessary repairs can be made and conductor must immediately notify chief dispatcher's office, giving the following information:

- (1) Car initial and number.
- (2) Location in train from caboose or head end.
- (3) Location where car is set out.
- (4) Nature of defect, if possible.
- (5) Whether or not car can be reached by wheel truck.

When a drawbar fails or any rigging underneath car is damaged, this material must be moved clear of track and walkways so it will not present a hazard to person or other trains.

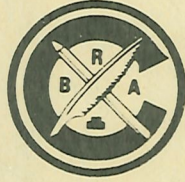
Conductor will complete Form X-3 and file at final terminal.

Conductors must prepare Form 583, in duplicate, covering any materials, such as air hoses, knuckle pins, knuckles, gaskets, etc. which have been applied to any car during their tour of duty. Mail originals to Supt. Car Dept., Shreveport, La. with a copy to trainmaster. This information must be furnished in order to bill the foreign line railroad for repairs.



**BROTHERHOOD OF RAILWAY, AIRLINE AND STEAMSHIP CLERKS,  
FREIGHT HANDLERS, EXPRESS AND STATION EMPLOYES**

**AFL-CIO — CLC**



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Kansas City, Kansas, February 4, 1984

STATEMENT OF

BRYAN K. WHITEHEAD

Kansas Legislative Director

For The

Brotherhood of Railway and Airline Clerks

And On Behalf Of The

Kansas State Federation of Labor, AFL-CIO

In Support Of

HOUSE BILL NO. 2706

AN ACT relating to railroads; requiring  
caboose on certain trains;

Presented At Hearing

Before The

HOUSE TRANSPORTATION COMMITTEE

Topeka, Kansas

February 6, 1984



Mr. Chairman, and Members of the Committee, my name is Bryan K. Whitehead and I am the Kansas Legislative Director and a Regional Representative for the Brotherhood of Railway & Airline Clerks representing over 8,000 active and retired employes of the transportation industry in Kansas.

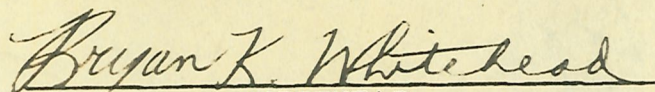
Today, Mr. Chairman, I am also representing the Kansas State Federation of Labor, AFL-CIO, which has an affiliate membership of over 70,000 residents of Kansas.

We rise in support of House Bill No. 2706 and we unreservedly support Mr. McGlothlin's proponent testimony.

Notwithstanding the unfair, untrue, and inaccurate statements by opponents of H B - 2706, the motive of the bill is public safety along railroad right-of-way in Kansas!

We respectfully urge you to favorably recommend H B - 2706 for enactment in the public interest.

Thank you.



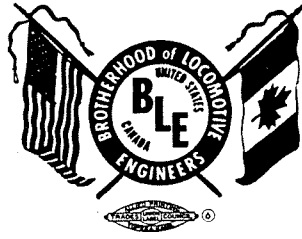
BRYAN K. WHITEHEAD,  
Kansas Legislative Director,  
Bro. of Railway & Airline Clerks



# Brotherhood of Locomotive Engineers

## Kansas State Legislative Board

LEROY D. JONES  
Kansas State Legislative Representative



12601 W. 105th  
Overland Park, Kansas 66215  
Res. Phone (913) 492-4096

February 6, 1984

Mr. Chairman and members of the committee. I am Leroy Jones, the Kansas State Legislative Representative for the Brotherhood of Locomotive Engineers. Today I am here to speak in support of HB 2706.

Some of you may ask why a locomotive engineer would be concerned about whether or not there is a caboose on the end of the train. Our answer to that question is mainly safety. Safety to the public and safety to ourselves.

In the area of safety to the public, we feel that a manned caboose is a safer way of running a railroad. An example in this area would be something that happened on a train that I was working on. A few years ago, I was assigned to a job as an engineer working on a local service train between Osawatomie, Kansas and Topeka. On our return trip from Topeka an automobile hit the side of our train as we were coming to a stop at the main line signal just south of Kansas Highway 68. Just as the train stopped at the signal, the conductor, Fred Hatfield, called over the radio not to move the train and to send the brakeman back with another fire extinguisher. The conductor had observed an automobile with two ladies in it that had run into the side of our train at the Kansas 68 highway crossing. The conductor rushed up to the burning car and pulled the two ladies to safety. If there had not been a caboose and a man riding in it, I feel that the two ladies in the automobile probably would have died. There is no machine or instrument that has been made that could have taken the place of Conductor Hatfield in this instance.

In the area of safety to ourselves, an example would be the use of the emergency brake valve from the rear of the train to stop when something happens to the control brake valve on the locomotive of the train. We have had trouble with people turning the air valves between the cars in a train. If someone would happen to turn the valve between the engine and the first car, it would be possible to move the train from that location and not know that anything was wrong until you needed to use the brakes. If this would happen, the only way to set the brakes on the train would be by the engineer calling the conductor over the radio to set the brakes from his emergency brake valve in the caboose. If there wasn't a manned caboose on the train in this instance, there could have been a runaway with possible derailment and loss of lives.

Last of all, the manned caboose is instrumental in expediting the movement of trains. An example of this would be the coupling of the trains

Attachment 4

Testimony  
Leroy Jones  
February 6, 1984

together over public crossings. The fastest way to couple a train together and move off the crossings is to have the rear man on the train couple the crossing together and get on the caboose as the train is being pulled by him. If this procedure was not used, once the employee coupled the train together, he would have to walk back to the engine, thus blocking the crossing that much longer. Sometimes the crossing is as far as a mile from the engine.

Mr. Chairman and members of the committee, I hope that by using these three examples, you can see why the Brotherhood of Locomotive Engineers support this piece of legislation. I hope you will also support HB 2706.

Thank you.

Jan.27,1984

Honorable Rex Crowell  
Chairman, House Trans. Co.  
State Office Building  
Topeka, Ks.

Honorable Representative Crowell:

This letter is in reference to the proposed caboose bill before your committee. As information, I have been employed with the A.T.&S.F. Railway Co. for the past 13 years, I have worked as a switchman-brakeman and as a fireman-engineer. I feel that this variety of experience gives me a unique prospective of what it takes to keep trains rolling safely.

I know from being the rear brakeman ridding the caboose, that my primary job is watching the train, the caboose being specially designed for this one objective in mind. The cupola on our cabooses is wider than the rest of the car, and there are large windows to the front and rear. My point is that the caboose is designed for one important purpose.

In contrast, as an engineer, which I have been for 10 years, I know the engine is designed to pull the train; forward visibility is the primary focal point. There are rear facing windows, but they are usually much smaller and do not protrude from the sides of the engine. Even though the head crew is required to observe the train, we do not always do this job adequately, because of other distractions. We run trains up to speeds of 70mph, we are watching for block signals which may require immediate action, we are on the lookout for temporary slow boards, which can mean for us to slow down, stop, or be on the lookout for trackmen, and not the least, to ring the bell and blow the whistle for public and private crossings. Again, my point is that the engine and engine crew are programmed for an entirely different job than the rear crew. The engine crew is more concerned with where we are going than where we have been. Each end of the train crew has specific duties and a safe operation cannot be conducted from only one end of the train.

With trains of up to 7,8, or 9 thousand feet, which are not uncommon, it would be impossible to see and problems if all the crew were on the headend. Another problem which is getting worse is that since the railroads got the 500 mile inspection waived to 1000 miles, the road crews are finding more hot journals, more dragging equipment, more defective brakes, and more shifted loads. This is despite the railroads most modern trackside detection sensors. I see no indication that this problem will get better, given the railroads famous, or should I say infamous plan of deferred maintainance. WE are hauling more dangerous and volatile chemicals, the earlier a leak or spill is detected the better the chance of avoiding contamination or evacuation.

As an engineer, it is reassuring to know I have a crew on the rear of my train, they may be more than a mile away, but they give me valuable help in operating the train.

I feel that retaining the cabooses is a very important issue, and I urge your committee to favor this legislation.

cc: Rep. E. Baker  
cc: J.A. McGlothlin

Respectfully yours,  
*D.B. Pritchard*  
D.B. Pritchard  
1768 Old Manor Road  
Emporia, Ks.  
66801

locomotive engineer  
Middle Division  
A.T.&S.F. Railway Co.

Attachment 5