

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 22, 1984 in room 519-S of the Capitol.

All members were present ~~except~~

Committee staff present:

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

Conferees appearing before the committee:

Mr. Bill Edds, Kansas Department of Revenue

Chairman Rex Crowell called the meeting to order and the first order of business was HB-2860.

Mr. Bill Edds of the Kansas Department of Revenue presented a Suggested Amendment to HB-2860. (See Attachment 1) He explained that this bill should be amended so it flows more smoothly.

Representative Shelor made the motion that the amendment to HB-2860 be passed. The motion was seconded by Representative Sutter. Motion passed.

It was moved by Representative Sutter that HB-2860 be passed favorable as amended. Motion was seconded by Representative Shelor. Motion passed.

The next order of business was HB-2706. Chairman Crowell distributed a news release from Secretary of Transportation Elizabeth Dole as well as a memo from Mr. Jack McGlothlin. (See Attachments 2 and 3)

Representative Harper moved a proposed amendment to HB-2706. (See Attachment 4) Mr. Fred Carman explained the amendment and told the committee that it would take out Sections 3, 4 and 5 on the first page and insert two new sections in lieu of those. Section 3 to be inserted would provide that the Secretary of Transportation cause a study to be made by his department of the need for cabooses on freight trains including the safety aspects of this issue. The Secretary would report to the Governor and the Legislature not later than February 1, 1986, and the report would contain recommendations for any legislative action which may be needed.

Mr. Carman told the committee that Section 4 of the proposed amendment states that all railroads that are operating freight trains on the effective date of the act, which is the Kansas Register, will operate their trains until May 1, 1986 with respect to the presence of cabooses in the same manner and according to the same practices as similar trains were operating on January 1, 1984.

Chairman Crowell asked if the amendment limits the time that the law would be in effect if the Legislature didn't act on the report of the Department of Transportation. Mr. Carman replied that the operation of the act by its own terms ends May 1, 1986, because at that time there would no longer be any mandate to operate in any particular manner with respect to cabooses.

CONTINUATION SHEET

MINUTES OF THE House COMMITTEE ON Transportation,
room 519-S, Statehouse, at 1:30 ~~a.m.~~/p.m. on February 22, 1984.

Representative Dillon seconded the motion to adopt the amendment to HB-2706. Discussion on the amendment ensued.

Representative Fuller presented a substitute amendment requesting the Secretary of Transportation to do a study on the safety aspects of operating cabooses on trains. (See Attachment 5) Representative Fuller explained that the difference in the two amendments is that until this study is completed, no railroad operating a freight train in the state of Kansas shall be required to have a caboose.

Representative Fuller moved to adopt the substitute amendment. Representative Webb seconded the motion.

Discussion on the amendment was held, and Representative Erne asked when the Secretary of Transportation came up with the expertise to make such a study. Chairman Crowell replied that he had visited with representatives from the Corporation Commission and KDOT and both indicate they do not have the ability to make such a study.

Representative Harper stated he was opposed to the substitute amendment, because if cabooses were removed there wouldn't be a sufficient study of the safety factor.

Representative Moomaw expressed to the committee that he was supportive of Representative Fuller's substitute amendment. He said that in October of 1982, a national agreement was reached between the railroads and the United Transportation Union permitting a reduction in the number of trains requiring cabooses. Since that time railroads have been taking cabooses off. He further commented if we were to freeze them where they were on January 1, 1984, there would be unfair competition among the railroads as some have progressed further than others in removing cabooses.

Representative Moomaw quoted from a news release from Secretary of Transportation Elizabeth Dole, which stated 1983 was the safest year in nearly a decade for railroads. Also, it was pointed out there was a 15 per cent drop in railroad related accidents from 1982 to 1983 during the time the cabooses nationwide would have been coming off.

Representative Fuller stated to the committee it was not the intent of his substitute amendment to automatically take the cabooses off trains, and he would assume that the present policies which are a result of negotiation and labor agreements would continue. In cases where cabooses were required at the current time under labor agreements, they would continue to be required. Representative Fuller maintained his intent is not to require by state law that cabooses be continued, or put them all back on, but to require a study so it can be ascertained safety effects cabooses have.

Chairman Crowell asked if at the end of two years the decision was to put cabooses back on trains, would the railroads have an argument against this by saying that we pulled them off and let them deteriorate.

Representative Fuller commented this may be an argument, but it is more important to allow for the two year period for a test. Representative Fuller expressed he didn't feel it is proper for the State Legislature to intervene and change agreements which have already been negotiated between management and labor.

A vote was taken on the substitute motion presented by Representative Fuller. The motion failed 9-11.

CONTINUATION SHEET

MINUTES OF THE House COMMITTEE ON Transportation,
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Representative Moomaw made a substitute motion that HB-2706 be reported unfavorably. The motion was seconded by Representative Webb.

Representative Moomaw referred to the news release by Secretary of Transportation Elizabeth Dole wherein she said there is an ongoing study on a federal level reviewing all railroad safety rules and programs in order to determine whether changes brought about by new technology point to areas where further improvements can be made. Representative Moomaw noted that the government is making the study for us, and the records could be checked before October 1982 and after October 1982 to determine the trend in railroad safety. Representative Moomaw stated if the decline in accidents continues as it has in the past year, he would see no reason to believe a safety problem exists.

Representative Johnson stated to the committee that he supports the substitute motion, as this matter is being studied at the national level and we should not duplicate the study at a great amount of cost.

Representative Fuller suggested the committee take a look at who are the proponents and who are the opponents of this legislation. Those opposing it are the Kansas Association of Commerce and Industry, the Kansas Farm Organizations consisting of 20 agricultural agencies, Kansas Association of Wheatgrowers, Farmland Industries and others. Representative Fuller explained that these are the people who are shippers and they do not want the unnecessary cost of operating cabooses continually added to their bills.

A vote was taken on the substitute motion of Representative Moomaw that HB-2706 be reported unfavorably. The motion failed 9-10.

A vote was then taken on the original motion to amend of Representative Harper. The vote for the motion was a tie and Chairman Crowell voted in favor of the amendment. The motion passed. It was moved by Representative Dillon that the bill be passed favorably as amended. The motion was seconded by Representative Harper.

Representative Johnson made a substitute motion to table HB-2706. The motion was seconded by Representative Webb. The motion failed.

Chairman Crowell then took a vote on the original motion to pass the bill as amended favorably. Motion passed 11-9. Representatives Webb, Fuller, Cloud, Campbell, Johnson and Guldner all voted "no".

The next order of business taken up was HB-2525. Mr. Ed DeSoignie took the stand and told the committee his department met with members of the bicycle group who previously addressed the committee, and they had reached some agreement regarding the provisions of HB-2525

Representative Johnson made the motion to table HB-2525. The motion was seconded by Representative Erne. Motion passed.

The meeting was adjourned at 3:10 p.m.


Rex Crowell, Chairman

SUGGESTED AMENDMENT TO

House Bill 2860

On page 1, after line 30, by inserting a new subsection to read as follows:

"(c) The provisions of subsections (a) and (b) shall not be applicable with respect to sales made to any interstate motor fuel user, as defined by K.S.A. 79-34,108, and amendments thereto, or to any special fuel user who purchases special fuels from any person who is not a special fuel dealer licensed by this state."

Also on page 1, in line 31, by striking "(c)" and inserting "(d)"; in line 33, by striking "(d)" and inserting "(e)";



U.S. Department of
Transportation

News:

Office of Public Affairs
Washington, D.C. 20590

FOR IMMEDIATE RELEASE

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Contact: Mari Maseng

Tel.: (202) 426-4570

Ed O'Hara

Tel.: (202) 426-4321

1983 WAS RAILROADS' SAFEST YEAR
IN NEARLY A DECADE, DOLE REPORTS

Secretary of Transportation Elizabeth Hanford Dole reported today the nation's railroads last year posted their best safety record in almost a decade, as accidents, fatalities and injuries declined.

The Secretary said Federal Railroad Administration figures show that in 1983 train accidents declined 15 percent from 1982 to an all-time low, rail-highway crossing accidents fell 12 percent, and the train accident rate per million miles operated dropped nearly 13 percent.

"These figures tell us the nation's railroads are doing a better job of protecting lives and property," Secretary Dole said. "They indicate many people are doing something right--including railroad managers and the rank-and-file workers who operate the trains and maintain the tracks.

"The 1983 figures represent a continuation of a steadily improving railroad safety record over the past five years," she said. Rail accidents, fatalities and injuries have declined every year since 1978.

The Secretary noted that the Federal Railroad Administration has worked with the railroad industry to help improve its safety record.

"While the new figures are good news, we are nevertheless going the extra mile, reviewing all railroad safety rules and programs to determine whether changes brought about by new technology point to areas where we can make further improvements," she said.

Total railroad-related accidents declined from 49,620 in 1982 to 42,264 in 1983--a drop of nearly 15 percent. Train accidents fell from 4,411 in 1982 to 3,731 in 1983. Rail-highway crossing accidents totaled 6,819, compared with 7,748 the previous year.

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All railroad fatalities totaled 1,045--6.6 percent below 1982. And rail-highway crossing deaths, which account for the largest number of such fatalities, totaled 553, a 9 percent decline.

The safety statistic which did not improve over all previous years was the number of fatalities resulting from train accidents. These increased from 14 in 1982 to 17 last year. But this was still the second lowest number of train fatalities on record.

Some 34,469 injuries were reported in all types of rail-related accidents in 1983, a 14 percent drop from 1982's injury total.

The Secretary also reported that the casualty rate for on-duty employees per 200,000 hours worked fell by 8.5 percent and the rail-highway crossing accident rate per million miles operated declined by 9 percent.

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JACK 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

February 8, 1984

MEMO

TO: Chairman Crowell and Members of Kansas House Transportation Committee

In an effort to establish the facts relative to testimony given at hearings on H.B. 2706, February 7, 1984, you are being furnished a copy of statistics from the 1983 Railroad Facts Book, published by the Association of American Railroads. Mr. Hubbell stated that senior members of crews (engineers and conductors) make \$50,000 per year. Please note the underlined craft wages at the bottom of the copies pages.

Thank you,

Jack A. McGlothlin

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Office of Information and Public Affairs
Association of American Railroads
American Railroads Building

1920 L Street, N.W.
Washington, D.C. 20036
Telephone: (202) 835-9550

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SEPTEMBER 1983

RAILROAD FACTS

1983 EDITION



EMPLOYMENT AND ANNUAL WAGES BY CLASSES—1982

Wages of train and engine service employees accounted for 33 cents of the average wage dollar paid in 1982 by Class I railroads, excluding Amtrak. Wages of maintenance workers took 35 cents, office and general personnel got 19 cents, off-train transportation employees received 7 cents, while salaries of executives, officials and staff assistants amounted to 6 cents of the payroll dollar.

Employee group	Average Number of Employees	Total Payroll (thousands)	Average Annual Earnings
Executive, officials and staff	16,865	\$ 709,907	\$42,094
Professional, clerical and general	80,044	2,098,584	26,218
Maintenance of way and structures	72,699	1,848,416	25,426
Maintenance of equip- ment and stores	75,004	1,975,689	26,341
Transportation, other than train, engine and yard .	18,010	511,544	28,403
Yardmasters, switch- tenders and hostlers ..	6,961	200,747	28,839
Train and engine service .	109,323	3,676,517	<u>33,630</u>
Total	378,906	11,021,403	29,087

Proposed Amendment to House Bill No. 2706

On page 1, by striking lines 32 to 45, inclusive, and inserting 2 new sections as follows:

"Sec. 3. The secretary of transportation shall cause a study to be made by the department of transportation of the need, or lack of need, of cabooses on trains, including in particular the safety aspects of this issue. Such study shall be completed and report made thereon to the governor and the legislature not later than February 1, 1986. Such report shall contain recommendations for legislation or administrative action that such study discloses to be beneficial.

"Sec. 4. When a railroad operates a freight train in this state from and after the effective date of this act, until May 1, 1986, such train shall operate with respect to the presence of a caboose in the same manner and according to the same practices as similar trains were operated on January 1, 1984.";

By renumbering sections 6 and 7 as sections 5 and 6, respectively;

On page 2, in line 50, by striking "statute book" and inserting "Kansas register"

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Proposed Amendment to House Bill No. 2706

On page 1, by striking lines 32 to 45, inclusive, and inserting 2 new sections as follows:

"Sec. 3. The secretary of transportation shall cause a study to be made by the office of rail programs of the division of planning and development of the department of transportation of the safety aspects of operation of cabooses on trains. Such study shall be completed and report shall be made to the secretary of transportation to the governor and the legislature not later than February 1, 1986. Such report shall contain recommendations for legislation or administrative action that such study discloses to be beneficial.

"Sec. 4. Until the study provided for in section 3 is completed no railroad operating a freight train in this state shall be required to have a caboose at any place on such train.";

On page 2, by striking lines 46 to 48, inclusive;

By renumbering section 7 as section 5

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