Approved February 29, 1984
Date

MINUTES OF THE SENATE COMMITTEE ON TRANSPORTATION AND UTILITIES.

The meeting was called to order by SENATOR JAN MEYERS, VICE-CHAIRPERSON at
Chairperson

9:00 a.m. a.m./p.m. on Wednesday, February 29, 1984 in room 254-E of the Capitol.

All members were present except:

all present.

Committee staff present:

Fred Carman, Ray Hauke, Rosalie Black

Conferees appearing before the committee:

SB 636 - Senator Roy Ehrlich, Leroy Jones, Brotherhood of Railway Engineers; Jack McGlothlin, United Transportation Union; Bryan Whitehead, Brotherhood of Railway and Airline Clerks; Mike Germann, KS Railroad Assoc.; Herbert L. Massie, The Atchison, Topeka & Santa Fe Railway Co., Chicago

SB 647 - Brian Moline, KCC; D. Wayne Zimmerman, The Electric Companies Association

The meeting was called to order by Senator Talkington, Chairman, who asked Senator Meyers to chair the meeting. He announced that Senate Bill 694 would be heard later at the request of Senator Billy McCray. Senate Bill 647 was added for hearing today after Senate Bill 694 was withdrawn.

SENATE BILL 647 - HEARING AND ACTION

Brian Moline explained that the KCC, at the closing of last year's session, requested legislation which provided that stockholders of utilities would not have to be certified by the KCC upon issuance of securities as long as they registered with the securities and exchange commission. He added that the commission has no problem with reinstating the certification under KCC which is now preferred by the electric companies.

D. Wayne Zimmerman distributed an amendment for reinstatement of certification of electric utilities. The amendment would not include telephone companies or pipelines. It was noted that all parties including the KCC were in agreement with the amendment. (See Attachment 1.)

Senator Norvell moved to amend SB 647 to allow electric companies certification under KCC; seconded by Senator Johnston. The motion carried.

Senator Johnston moved that SB 647 be reported favorable for passage as amended;

MINUTES OF THE SENATE COMMITTEE ON TRANSPORTATION AND UTILITIES,

room 254-E, Statehouse, at 9:00 a.m. a.m./p.m. on February 29, 1984

SENATE BILL 647 - HEARING AND ACTION (con't)

seconded by Senator Norvell and passed.

SENATE BILL 636 - HEARING

Senator Roy Ehrlich said the need for SB 636 originated when cattle were on railroad tracks during a snowstorm and it was impossible to call and get the cattle off the tracks.

Leroy Jones, Jack McGlothlin and Bryan Whitehead asked support for the bill to allow the requirement that freight trains be equipped with two-way shortwave radios in locomotives and cabooses. They noted that railworkers are finding that mergers, joint-haul contracts and leasing of engines and equipment from other railroads are causing radios to not function or to have the wrong frequency which places railway employees and the public in a dangerous situation. (See Attachments 2 - 4.)

Mike Germann indicated that federal railway administration regulations state that any train leaving a terminal must be tested to determine that radios work effectively and regulations also require testing of radios along the route. He introduced Mr. Massie to discuss technical aspects of radio standards in trains and procedures.

Herbert Massie said that 60%-70% of all radios presently in locomotives and cabooses were installed in the 1940's or 1950's and are out of date with today's technology. Plus, another problem is when a caboose from one rail company is attached on the end of another train and the caboose has a different frequency than the locomotive radio. He added that when there is a problem with frequency, it requires a change in element which costs $75-$100 per caboose or locomotive. In answer to a question from Senator Meyers, Mr. Massie estimated that to have radios operating on the same frequency in each locomotive and caboose would cost $4 million and require six budget years to complete.

The meeting adjourned at 9:54 a.m.

Robert V. Talkington

Please PRINT Name, Address, the organization you represent, and the Number of the Bill in which you are interested. Thank you.

2-29-84

NAME	ADDRESS	ORGANIZATION	BILL NO.
Brian Mulvihill	SOB	KCC	647
Michael C. Gelman	TOPEKA	Ks Railroad Association	636
D.L. Massie	Chicago	A.T. & S.F. Ry Co	636
Dan Ramlow	Topeka	Ks Contractors Assn.	
DWAYNE ZIMMERMAN	TOPEKA	ELEC CO-OP ASSOC.	647
ED SCHAUB	TOPEKA	SWBT	647
Lon Stanton	Topeka	Northern Natural Gas	647
Ray D. Shanks	Shawnee	KCPL	
Nancy Zielke-Bigsby	Topeka	KDOT	
T.A. LOCKHART	LEAVENWORTH	NAACP	694
BILL GREEN	TOPEKA	KCC	636
Ea Culbertson	"	Budget Div	
James Gilchrist	Topeka	UTU	636
Sen Ray M. Ehrlich			
Leroy Jones	Overland Park	BLE	636
RON CALBERT	NEWTON	U.T.U.	636
Jack McGlothlin	Pittsburg	UTU	636
BRYAN WHITEHEAD	KCK	BRAE	636

Attachment 1

Session of 1984

SENATE BILL No. 647

By Senator Hein

2-6

AN ACT concerning the state corporation commission; relating to the duties thereof with respect to the issuance of securities by public utilities and common carriers; exempting certain public utilities and common carriers; ~~issuance of securities~~; amending K.S.A. 1983 Supp. 66-125 and repealing the existing section.

Be it enacted by the Legislature of the State of Kansas:

Section 1. K.S.A. 1983 Supp. 66-125 is hereby amended to read as follows: 66-125. A public utility or common carrier that derives more than 5% of its consolidated gross revenues from Kansas activities subject to the rate setting jurisdiction of the Commission, may issue stocks, certificates, bonds, notes or other evidences of indebtedness, payable to periods of more than 12 months after the date thereof, when necessary for the acquisition of property, for the purpose of carrying out its corporate powers, the construction, completion, extension or improvements or maintenance of its service, or for the discharge or lawful refunding of its obligations, or for such

Att. 1

other purposes as may be authorized by law. Prior to any such issuance except an issuance by any telephone or telecommunications public utility which requires a registration statement to be filed with the securities and exchange commission, there shall be secured from the commission a certificate stating the amount, character, purposes and terms on which such stocks, certificates, bonds, notes or other evidences of indebtedness are proposed to be issued, as set out in the application for such certificate. ~~If the issuance requires a registration statement to be filed with the securities and exchange commission, the public utility or common carrier shall file with the state corporation commission a copy of the information filed with the securities and exchange commission.~~

The proceedings for obtaining such certificate from the commission and the conditions of its being issued shall be as follows:

(the remainder of Senate Bill No. 647 remains the same from 0044 through 0091)

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 29, 1984

Mr. Chairman and members of the committee, I am Leroy Jones, the Kansas State Legislative representative for the Brotherhood of Locomotive Engineers. I am here today to testify in support of Senate Bill 636.

The B.L.E. and its members have always had a primary interest in the type of communication used on the railroads to govern operation and movement of locomotives, trains and other on-track vehicles. Of equal importance and interest to the B.L.E. and its members is the fact that the use of radio/telephones has been recognized as part of the duties of the locomotive engineers. It has been further recognized that these duties and responsibilities shall be pursuant to the operating rules, orders and special instructions of the individual carriers and/or any applicable Federal and State regulations.

In a letter issued May 17, 1972 from John H. Reed, Chairman of the National Transportation Safety Board to John W. Ingram, Administrator of the Federal Railroad Administration, it was stated:

> "Radio, more than any innovation since the telegraph, has the potential for increasing the efficiency of train operations on American railroads. It is an almost ideal form of communications for train operation, since it provides instant voice communications among land stations and moving trains, between the locomotive and caboose of a train, between trains, and land stations."

Atch. 2

Today because of the advances in technology, the radio is depended on more than ever. Most telephones along the right-of-ways have been taken out because of this advanced use of the radio. This leaves us with a big problem if the radios don't work on the locomotives, or they have a different frequency than that of the train dispatcher.

The rail worker is finding that because of mergers, joint-haul contracts, and the leasing of engines and equipment from other railroads, often the radios don't work, are missing, or have the wrong frequency. We feel that this not only places fellow workers in a dangerous position, but also a dangerous situation to the public.

For example, what would happen if a fellow worker got hurt while switching cars at a country elevator in the middle of the night. If the radio doesn't work and there are no telephones close, it could possibly cause him his life because of no communications.

The same thing applies at a railroad crossing accident. A few minutes may save someones life. An instance happened to my father a few years ago at Admire, Kansas. A car pulled out in front of the train he was operating. The train hit the car. The woman that was driving the car was critically hurt. My father stated that because he had a radio that worked and had the proper frequency he was able to report the accident immediately. An ambulance was at the scene in 12 to 15 minutes from the time of impact. My father has stated that if his radio had not been working properly the woman probably would not have lived.

As a final point, the radio can prevent derailments as well as

being very helpful after one occurs. With the transportation of hazardous materials over our railroads, it is a matter of safety to the public that radios work on trains. An example of this was a derailment that occurred last year. The Cotton Belt Railroad uses the Union Pacific tracks between Topeka and Kansas City. The Cotton Belt train only had the Cotton Belt frequency on its radios. The train passed a safety device called a hot box detector, which detects any hot bearings on the train. The detector found hot bearings. The Union Pacific dispatcher tried to notify the Cotton Belt train to stop, but couldn't because the train only had Cotton Belt radios. In order to bring the train to a halt the dispatcher turned the next signal to the stop position. The train never made it as the bearing burned off, thus causing a derailment before the train reached the stop signal. Luckily no hazardous waste spilled and no one was injured. But, both could have occurred. The accident could have been prevented if the radios had the right frequency.

Mr. Chairman and members of the committee, you can see by my testimony that safety is the true theme of S.B. 636. Safety for the public as well as the worker. I urge you to vote in favor of S.B. 636 for the safety of all Kansans.

Thank you.

Attachments 2-4

1984

STATEMENT OF JACK A. McGLOTHLIN, DIRECTOR
KANSAS STATE LEGISLATIVE BOARD
UNITED TRANSPORTATION UNION
IN SUPPORT OF S.B. 636

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 S.B. 636.

We consider S.B. 636 to be necessary legislation to assure proper and vital communications for the safe and proper operation of trains on Kansas Railroads. The change from Clerk, telegraph operator, typed and delivered train orders to radio communications which control all operating procedures makes it mandatory that operable two-way shortwave radios be located in the lead locomotive and in the caboose. These radios shall be of the same frequency as the frequency used by the railroad on which the train is traveling.

There was a time in railroading's recent past that taking train orders over radios was prohibited. Prohibited by the carrier and the F.C.C. In fact each locomotive cab had a "cab card" so stating. Since the advent of microwave radio communication and the supposed more reliable shortwave radio communication, by assigned channels; train orders, permission to pass absolute block signals (in red position) and all other aspects of train operations are being transmitted and acted upon via radio communication. In addition the need for absolute, dependable communications between the lead locomotive, caboose, way-side stations and the dispatcher has been documented. Train-motor vehicular grade crossing accidents, train set fires, derailed cars in a train, relaying of information received from way-side detectors to the head end or rear end of the train and other necessary functions of train operations mandate the need for radios as provided for in S.B. 636. The importance of having operable

Atch. 3

two-way shortwave radios on the lead locomotive and the caboose cannot be over-emphasized.

Rail transportation has moved into an era where the entire train, locomotive, cars and caboose, move intact from one railroad to another. This is common practice, especially with unit trains of coal and grain. When this occurs you have a locomotive and caboose with radios whose frequency is not compatible with the railroad over which the train is traveling. This creates an unsafe situation and negates the operational purpose for which two-way radios are used in today's railroading practices. The need for this legislation is evident. I doubt the opponents will tell you radios are not needed. Conversely, you will probably be told they are needed, the railroads are addressing the need I have spoken of and the carriers are making the change. To a degree that is true, however, it has been proven that legislation brings about uniformity and conformity and for these reasons we ask for your support and request that you report S.B. 636 favorable for passage.

I will attempt to answer any questions.

BROTHERHOOD OF RAILWAY, AIRLINE AND STEAMSHIP CLERKS, FREIGHT HANDLERS, EXPRESS AND STATION EMPLOYES

AFL-CIO — CLC

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Kansas City, Kansas, February 28, 1984

TESTIMONY 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

As a Proponent Of

SENATE BILL NO. 636

AN ACT requiring two-way shortwave radios of certain frequencies in the lead locomotives and cabooses of trains operating in this state.

Presented at Hearing

Before The

Senate Transportation Committee

Topeka, Kansas

February 29, 1984

Atch. 4

Mr. Chairman, and Members of the Committee, I am Bryan K. . Whitehead and I am the Kansas Legislative Director and a Regional Representative for the Brotherhood of Railway and Airline Clerks representing over 8,000 working 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 Senate Bill No. 636 and of proponent testimony submitted by Mr. LeRoy Jones and by Mr. Jack McGlothlin.

Mr. Chairman, I also want to emphasize the importance of S. B. 636 to railway non-operating employes who are responsible for station-to-train communications in the railroad industry.

In the general interest of public and employe safety, the Kansas Federation of Labor joins with the Kansas railway labor organizations to urge your favorable consideration of Senate Bill No. 636.

Thank you. I will respond to questions.

Bryan K. Whitehead

BRYAN K. WHITEHEAD,
Kansas Legislative Director,
Bro. of Railway & Airline Clerks

the material is transported in bulk, the quantity limitation applies to the conveyance;

(b) A package containing irradiated natural or depleted uranium including the products of irradiation if the irradiation has taken place only in the thermal reactor;

(c) A package containing homogeneous solutions or mixtures where:

(1) The minimum ratio of the number of hydrogen atoms to the number of atoms of fissile radionuclides (H/X) is 5200;

(2) The maximum concentration of fissile radionuclides is 5 grams per liter; and

(3) The maximum mass of fissile radionuclides in the package is 500 grams, except for a mixture where the total mass of plutonium and uranium-233 does not exceed 1% of the mass of uranium-235 the limit is 800 grams. If the material is transported in bulk, the quantity limitations apply to the conveyance;

(d) A package containing uranium enriched in uranium-235 to a maximum of 1% by weight, and with a total plutonium and uranium-233 content of up to 1% of the mass of uranium-235, if the fissile radionuclides are distributed homogeneously throughout the package contents, and do not form a lattice arrangement within the package;

(e) A package containing any fissile material if it does not contain more than 5 grams of fissile radionuclides in any 10-liter volume, and if the material is packaged so as to maintain this limit of fissile radionuclide concentration during normal transport;

(f) A package containing not more than one kilogram of plutonium of which not more than 20% by mass may consist of plutonium-239, plutonium-241, or any combination of those radionuclides;

(g) A package containing liquid solutions of uranyl nitrate enriched in uranium-235 to a maximum of 2% by weight, with total plutonium and uranium-233 not more than 0.1% of the mass of uranium-235; or

(h) A package containing thorium or uranium with not more than 0.72% by weight of fissile material used for shipment solely within the United States.

§ 173.455 Classification of fissile materials packages.

(a) Except as provided in § 173.453, each package of fissile materials shall be classified as follows:

(1) *Fissile Class I.* Packages that may be transported in unlimited number, and in any arrangement, and that require no nuclear criticality safety controls during transportation. A transport index is not assigned to Fissile Class I packages for the purposes of nuclear criticality safety control, although, the external radiation levels may require a transport index number.

(2) *Fissile Class II.* Packages that may be transported together in any arrangement but in numbers that do not exceed an aggregate transport index of 50. For the purposes of nuclear criticality safety control, individual packages may have a transport index of not less than 0.1 and not more than 10. However, the external radiation levels may require a higher transport index number. These shipments require no nuclear criticality safety control by the shipper during transportation.

(3) *Fissile Class III.* Shipments of packages of fissile materials that do not meet the requirements of Fissile Class I or Fissile Class II and that are controlled in transportation as prescribed in § 173.457 by appropriate arrangements between the shipper and the carrier.

(b) The numerical values for package assignments as Fissile Class I, the transport indexes for Fissile Class II packages, and the vehicle limitations for Fissile Class III shipments shall be determined in accordance with 10 CFR Part 71.

§ 173.457 Transportation of Fissile Class III shipments-specific requirements.

(a) Fissile Class III shipments shall incorporate transportation controls which are performed by the shipper or carrier, as appropriate, and which:

(1) Provide nuclear criticality safety;

(2) Protect against loading, storing, or transporting that shipment with any other fissile material; and

(3) Include in the shipping papers the description required by § 172.203(d) of this subchapter.

(b) Fissile Class III shipments shall be transported:

(1) In a transport vehicle assigned to the exclusive use of the shipper with a specific restriction for the exclusive use to be provided in the appropriate arrangements between shipper and carrier and with instructions to that effect issued with the shipping papers;

(2) Except for shipments by aircraft, with an escort in a vehicle having the capability, equipment, authority, and instructions to provide administrative controls necessary to assure compliance with this section;

(3) In a transport vehicle containing no other packages of radioactive material that are required to bear one of the labels prescribed in § 172.403 of this subchapter. Specific arrangements must be made between the shipper and the carrier, with instructions to that effect issued with the shipping papers; or

(4) Under any other procedure specifically authorized by the Associate Director for HMR in accordance with Part 107 of this subchapter.

§ 173.459 Mixing of fissile material packages.

Shipments of fissile materials packages and the commingling of fissile materials packages with other radioactive materials packages shall be in accordance with the provisions of this section.

(a) Mixing of fissile material packages with other types of radioactive materials, including Fissile Class I with Fissile Class II packages is authorized if the total transport index in any transport vehicle or storage location does not exceed 50.

(b) For Fissile Class II packages shipped under the exclusive use provisions of § 173.441(b), the transport index number which is calculated for nuclear criticality control purposes shall not exceed 10 for any single package nor a total of 50 for the load.

(c) Fissile Class II packages may be shipped with an external radiation level greater than 10 millirem per hour at 1 meter (3.3 feet), and combined with other packages of the same or different designs in a Fissile Class III shipment, under the conditions prescribed in § 173.457, if:

(1) Each package in the shipment has been assigned a transport index for criticality control purposes in accordance with the Fissile Class II criteria;

(2) The transport index which has been assigned in the package approval for nuclear criticality control purposes does not exceed 10 for any single package;

(3) The total transport index for nuclear criticality control purposes does not exceed 100 for all packages in the shipment;

(4) The shipment complies with § 173.441(b); and

(5) The shipment is not transported by vessel.

(d) A Fissile Class III shipment of packages may be combined with other packages of the same or different design when each package has been assigned a transport index for nuclear criticality control purposes in accordance with Fissile Class II criteria, and may be combined with Fissile Class II packages into a Fissile Class III shipment under the conditions prescribed in § 173.457, if:

(1) The transport index which has been assigned in the package approval for nuclear criticality control purposes