

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION
SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

3064

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Richard Costa
Operator's Signature

10/16/03
Date

2003 HOUSE TRANSPORTATION

HCR 3064

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2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HCR 3064

House Transportation Committee

Conference Committee

Hearing Date February 27, 2003

| Tape Number | Side A | Side B | Meter # |
|--|--------|--------|------------|
| 1 | | x | 8.4 to end |
| 2 | x | | 0.1 to 6.5 |
| Committee Clerk Signature <i>Lauren B. Smith</i> | | | |

Minutes:

Rep. Weisz, Chairman opened the hearing of HCR 3064, a concurrent resolution directing the Legislative Council to study the use of remote-controlled locomotives and related safety and security.

Rep. Delmore: Representing District 43, Grand Forks spoke a sponsor for this legislation. She presented this as safety issue. She pointed out that these remote controlled locomotives are used in Minot, Mandan, Grand Forks and the Fargo - Dilworth area. I look at the University of North Dakota right along the railroad tracks; I understand that in Mandan a trailer court is located very close to the railroad tracks and there is no engineer in control of the train. I do understand that technology has moved along but I think we need to be careful what we do with that. The safety of our citizens is paramount -- there is hazardous material that is moved through here and what happened in Minot --- I am concerned about this and I think we need to study this and find out how they work.

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Richard Olson: Representing the Brotherhood of Locomotive Engineers testified for the need for this study. A copy of his testimony is attached.

Rep. Weisz: (16.9) Are these RCLs used strictly in the yards?

Richard Olson: No they are not.

Rep. Weisz: are they used on the tracks from here to Fargo?

Richard Olson: At the present time Federal law is unclear about it. The final rule making isn't done yet -- so far none of the railroads are using for any distances -- I would say not more than 4 or 5 miles.

Rep. Ruby: You mentioned the accidents with these RCLs -- within the past year have there been any accidents?

Richard Olson: You mean within the state of North Dakota -- yes there have -- as I tried to explain there have been accidents but not injuries have occurred. The reason some of this hasn't been reported is that the guidelines say that if the damage is less than \$6700 and there has been no injury it need not be reported. We have been fortunate because we have had numerous accidents but no injuries. They just haven't reached the threshold of \$6700 -- that isn't to say that they didn't -- that is up the determination of the railroad. If they say the car is worth \$10 or is they use used parts -- so whose to say.

Rep. Ruby: What about those (locomotives) where there is an engineer in the trains -- have there been accidents there too? in the last year -- reportable and non-reportable?

Richard Olson: yes .

Rep. Thorpe: On those over the road -- are those manually operated or is there a computer system ---

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Richard Olson: Yes there are computers on board that control the functions of the engine but the engine controls the train.

Ron Huff: Representing the Brotherhood of Locomotive engineers. His testimony is attached. He also had some written testimony to present for Mike Muscha who could not be present. A copy of that testimony is also attached. He said they recognize that technology is here but they don't openly endorse it because it does cost them jobs.

Rep. Ruby: I know that some reference to the Minot accident -- I just want to point out that the investigation isn't completed but there was an engineer on board -- so accidents can happen with someone in control but there are such things as broken rails, etc.

Rep. Weiler: What is the per centage of remote controlled versus --

Ron Huff: in Mandan ? Before we started the remote controlled switch engines we had 2 switch engines manned by a 3 man crew. Now we are down to 1 - 3 man crew switch engine and 1 remote controlled switch engine per shift. So it was 6 to 1 now it is 3 to 1.

Richard Olson: To explain the Mandan operation -- everything that is done in the yards is by remote control -- we have two conventional locomotives that are assigned to go to Bismarck that are that are further out but all the duties in the yard are remote controlled.

Ron Huff: Now for my testimony -- the previous for Mr. Muscha. As stated above Ron Huff's testimony in written for is attached .

Rep. Ruby: Is the operator always on the ground or are they up in the tower where the can see?

Ron Huff: Speaking for in Mandan -- the are on the ground -- there is no tower. They are about a quarter mile away and can't always see.

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Rep. Thorpe: On these RCLs -- do they have any kind of sensors on the front of the engines that would cause them to stop under certain situations?

Ron Huff: I am not aware of any.

Opposition:

Dan Kuntz: Representing the Sante Fe Burlington Northern Railroad. He asked that Brian Sweeney, legal counsel and Jerry Suko, Locomotive Engineer be permitted to present their testimony.

Brian Sweeney: He hand out informational papers to support his statements. These are attached. His statements began with saying that this technology is not really that new and that it certainly wasn't rushed into over night. It had been studied by the Federal Railroad agencies in government and that the Canadians had used this technology for more than ten years before it was used here. They proved it was safe. Canadian statistics show that accidents were down 44% and injuries down more than half. In the sates it is being phased in. The National Transportation Union directives require automotive emergency stops and shut down. These are not Lionel Trains. They are not a road service. they are opposed to this study as it has already been studied by the National Railroad Administration. Safe guards like 10 mile per hour top speeds, crossing protections, if the operator tilts at 45 degrees the train shuts down, if some body falls or is injured the train doesn't just take off -- it takes two separate actions to make an engine move. There are training and certification guidelines -- it is the same body that certifies railroad engineers, their operating rules are filed with the Federal Railroad Administration -- they have had no incidents related to the use of this technology. Mr. Suko is certifies as a locomotive engineer and also certified in the use of this equipment.

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Rep. Weisz: Can you address the issue of safety of going through a trailer court -- or /

Brian Sweeney: Mr. Suko can answer better than my answer but when we cross a road crossing there is a guard there and into between crossings you have the same problems as you have now -- this is if they can't see from the front or from the rear of the trains it is the same as now -- I don't see any difference.

Rep. Delmore: I have not seen the statistics from Canada and I am wondering if the compare apples to apples and orange to oranges ?

Brian Sweeney: Those bar graphs show side by side comparisons for each and all types of accidents.

Rep. Delmore: One of the other things is in light of what happened in our country on 911, would these types devices be more open to someone to be able to get into the yard and take control of the train?

Brian Sweeney: There is no greater risk -- in fact I was going to comment on this and Mr. Suko will address it also -- When you put the locomotive into remote control there is a device you insert into the locomotive -- if some one gets on the locomotive and pulls that out and tries to take control of the train the remains in neutral. this is because the only one who can activate or deactivate that is the person who initiated it with his belt pack. It is no greater than now is someone could get on and overpower a person who may be on board. It is arguably less chance.

Rep. Thorpe : (45.4) In the interest of safety -- I am wondering why the companies decide to contract with the UT instead of the BLE? There seems to be a vast difference in the training they receive.

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Brian Sweeney: WE discussions with both Unions and we could come to an understanding with only one of them. The BLE did file an arbitration action in an attempt to keep the work with the BLE. the arbitrators decision said it was a very different thing operating a train over the road in the mountains and different terrain -- varying train weights, etc. than in switching operations.

Rep. Weiler: Whether some body is operating the train or not -- it comes to a crossing and there happens to be somebody driving or -- at the top speed of ten miles per hour -- what's the -- or how much time does it take to stop the train?

Brian Sweeney: Mr. Suko can answer something that technical -- I know just enough to say that depends-- it would depend on the number of cars and the weight of those cars loaded, etc.

Rep. Delmore: these are not use on pedestrian trains -- or hazardous waste trains ?

Brian Sweeney: These are just switching operations. If it is hazardous materials --- that would come under the federal definitions -- they are always switched in the same locations and those other jurisdictions who have used this longer say it is a safer way to do this.

Rep. Delmore: Have no other states looked into these remote control devises -- have they done studios like this?

Brian Sweeney: I am not aware of any states who have studied it -- the feds have extensively.

Rep. Headland: You testified that this doesn't need to need to be studied but wouldn't the railroad employees and the people of North Dakota would feel better if they knew that we had studied.

Brian Sweeney: It was the industry but the Federal Government that studied this -- there was a lot of thought that went into this --it isn't that we are afraid of the study but what people might try to turn it into -- today some of the things that we say show that we did have to here to make sure

