

1964

## RAILROAD TRAIN CREWS

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Unrestricted availability of lottery vending machines to persons of all ages is an uncontrolled invitation to gambling. Gambling losses cause other crimes including those of violence and corruption. Nevada, the state of legalized gambling, has the highest crime rate in the country. Higher crime rates mean higher police costs.

The Legislature is powerless to make the slightest modification in this private lottery scheme. It would take another state-wide election to effect any change whatsoever or to dislodge this stranglehold of the American Sweepstakes Corporation.

Even if you'd like a true State lottery, you don't want this. It would give one of the poorest pay-offs of any lottery anywhere. Analysis indicates that only 2% of the gross would be available as prizes! Compare that with the 50% pay-back by the Irish Sweepstakes, or the 85% return by the California race-tracks.

Educators, taxpayers, law enforcement officers, Republicans and Democrats, organized labor, church groups and business are all against this lottery grab.

Don't compare it with the New Hampshire Lottery. That IS a true State lottery—it isn't. There is no 13% rake-off to private promoters in New Hampshire.

Proposition 16 must not pass! Vote NO on Proposition 16—and be sure your friends and family do too!

**CALIFORNIANS AGAINST THE LOTTERY SCHEME**

LAUGHLIN E. WATERS,  
State Chairman  
Former State Legislator  
and former U. S. Attorney

DON FAZACKERLEY,  
Co-Chairman, Northern  
California; Former San  
Francisco Police  
Commissioner

EUGENE W. BISCAILUZ,  
Co-Chairman, Southern  
California; Past President,  
State Peace Officers  
Association

**RAILROAD TRAIN CREWS. Initiative.** Declares state policy on manning trains. Provides that Award No. 282 of Federal Arbitration Board on manning of diesel powered freight trains shall be effective in California, and that no state law or regulation shall prevent a railroad from manning trains in accordance with federal legislation or awards pursuant thereto, or collective bargaining agreements. Repeals initiative provisions on crews required for freight, mixed, or work trains, and right of State Public Utilities Commission to determine number of brakemen on all trains, and repeals other legislation concerning crews on certain kinds of trains.

17

<b>YES</b>	
<b>NO</b>	

(For Full Text of Measure, See Page 18, Part II)

**Analysis by the Legislative Counsel**

This measure, the Railroad Anti-Featherbedding Law of 1964, would amend the Labor Code to declare as policy of the State: that "featherbedding" practices on railroads should be eliminated; that national settlement of labor controversies relating to the manning of trains should be made effective in California; and that the award of the Federal Arbitration Board No. 282, appointed pursuant to Public Law 88-108 and providing for the elimination of excess firemen and brakemen on diesel-powered freight trains, or awards made pursuant thereto, shall be made effective in this State.

It would provide that nothing contained in the laws of this State or in any order of any regulatory agency of this State shall prevent a common carrier by railroad from manning its trains in accordance with the award of the Federal Arbitration Board No. 282, in accordance with any federal legislation or awards pursuant thereto, or in accordance with any agreement between a railroad company and its employees or their representatives.

It would also repeal existing provisions of the Labor Code which now prohibit common carriers operating certain trains from operating freight, mixed, or work trains, and certain other kinds of trains and equipment, without specified numbers and kinds of crew members, and would also repeal existing provisions authorizing the Public Utilities Commission to require common carriers by railroad to operate their trains with such number of brakemen as are necessary to promote safety.

**Argument in Favor of Proposition No. 17**

Proposition 17 is a non-partisan economic issue that merits the support of all Californians.

Your "yes" vote on Proposition 17 supports the peaceful solution which three United States Presidents, Dwight Eisenhower, John Kennedy, and Lyndon Johnson, achieved in the long-standing, nationwide controversy over railroad work rules. Moreover, a "yes" vote is necessary to make the settlement of this controversy effective in California.

The solution—in the form of a national Award by the Federal Arbitration Board appointed by President Kennedy and a collective bargaining agreement reached under the leadership of President Johnson—averted a nationwide railroad strike which would have paralyzed the country.

The main dispute resolved by these settlements was over an antiquated requirement that a fireman ride in the cab of a diesel-powered freight train where there are no fires to stoke or coals to shovel. Another dispute resolved was over the requirement for excess brakemen on certain trains.

The presence of a fireman—in addition to the engineer and head brakeman—has meant that three men ride the cabs on freight trains in contrast to only two men in the cabs of passenger trains, where safety is naturally of paramount concern.

A Presidential Commission appointed by President Eisenhower, and an Emergency Board and an Arbitration Board appointed by President Kennedy, taking account of modern improvements in railroad equipment such as air brake systems and automatic signal devices, all found that firemen are unnecessary for the safe and efficient operation of diesel-powered freight trains.

The Arbitration Board's Award provides for the gradual elimination of firemen on 90 percent of all freight trains, and requires their continued presence on 10 percent where special situations may exist. This leaves at least two men in the cab on all trains.

The railroads are absolutely required to retain in their employment all present full-time firemen with more than two years seniority. Generous severance payments must be made to those few firemen affected by the Award with less than two years seniority. Employment needs of California's railroads today are such that these men can transfer to other railroad jobs if they wish.

In California, wasteful featherbedding, which the national Award gradually eliminates, costs consumers about \$12 million a year. For our State to conform to the national transportation pattern established under the leadership of three Presidents, it is necessary to repeal conflicting, outmoded "excess crew" laws.

Proposition 17 repeals these outmoded featherbedding laws and makes possible genuine collective bargaining procedures.

The only opposition to Proposition 17 stems from certain labor leaders concerned about the eventual loss of membership dues.

Your "yes" vote on Proposition 17 will keep California competitive with other states, bring the benefits of the presidential settlements to California consumers, and

help insure a thriving, job-building California transportation industry.

Proposition 17 is a necessary step forward for our fast-growing State, whose continuing prosperity depends upon the attractions of new industry to provide jobs for all our people.

Vote "yes" on Proposition 17.

SENATOR  
HUGH M. BURNS  
(D) Fresno  
President Pro Tem  
California State Senate

JOHN F. McCARTHY  
State Senator,  
13th Senatorial District

DR. MURIEL B. DUNCAN  
Los Angeles  
State Women's Club Leader

#### Argument Against Proposition No. 17

California's present law, regulating the size of train-crews through the State Public Utilities Commission, was wisely enacted to protect the safety of the general public, railroad patrons and workers. The Law was updated in 1959 to meet present day safety needs. California is one of 16 progressive states with similar "minimum crew" legislation.

Incalculable loss of human lives has been prevented through the proper manning of trains, and millions of dollars in equipment and property have been safeguarded. At the same time, the railroads in California have continued to make substantial profits (largely because the productivity of railroad workers is the second highest in American industry).

Through this initiative measure, the railroads are attempting to eliminate the all-important "co-pilot" and "assistant engineer" and other essential crewmen from diesel locomotives, a serious threat to public safety in the operation of trains.

Passage of Proposition 17 would also mean a complete surrender of all of California's regulatory powers governing the manning of freight trains. There would no longer be any state or Federal agency controlling the safe manning of trains, leaving this solely at the discretion of the railroad owners.

The California Public Utilities Commission, guardian of the people's interests, would thus be by-passed and the railroads would have a free hand to establish work rules as they see fit. With the Public Utilities Commission eliminated from the picture, the people's interests would no longer be protected.

The railroads are also attempting to circumvent the will of the State Legislature through this initiative petition by insisting that the sweeping generalities of the Federal

Arbitration Award ruling supersede California's enacted statutes. This, in spite of the fact that the Arbitration Award ruling was never intended to apply to California, or to any other state already having laws controlling the manning of trains.

It was specifically emphasized by the Chairman of the House Committee on Interstate Commerce that "The Committee does not intend that any award made under this section may supersede or modify any State Law relating to the manning of trains". Thus, on August 23, 1963, Congress made it crystal clear that compulsory arbitration awards under Public Law 88-108 were never intended to be substituted for California State Law.

California's Minimum Crew Laws were established for safety reasons. Railroading is a hazardous operation, and in California, railroads operate over more miles of dangerous mountain terrain than in any other

state. California has 11,000 grade crossings; each a potential hazard.

While wiping out all public control over safe manning of trains, the railroad interests are also attempting to write into the State Constitution, through Proposition 17, language which would prohibit California from ever enacting any legislation in the future to regulate the size of train-crews for public safety purposes.

To avoid surrendering constitutional state authority to regulate manning of trains for public safety purposes, Californians must vote NO on Proposition 17.

**JAMES L. EVANS**  
Chairman, Brotherhood of  
Locomotive Firemen and Enginemen,  
AFL-CIO, State Legislative Board

**G. W. BALLARD**  
State Representative Brotherhood  
of Railroad Trainmen, AFL-CIO

upon order of the Commission. The amount so appropriated shall be repaid from the California State Controlled Lottery Fund as soon as practicable and, pending such repayment, no distribution as provided in SECTION 6 of this article shall be made.

SECTION XI. There shall be a total of twelve drawings, one conducted each month of every year (per annum) with a total of 3,000 winners per month.

SECTION XII. All provisions of the Constitution of the State of California and laws of the State of California in conflict with or inconsistent with the provisions hereof are hereby repealed. If any portion, section or clause of this article shall be declared unconstitutional or invalid, such declaration or adjudication shall not affect the remainder of this article.

**RAILROAD TRAIN CREWS.** Initiative. Declares state policy on manning trains. Provides that Award No. 282 of Federal Arbitration Board on manning of diesel powered freight trains shall be effective in California, and that no state law or regulation shall prevent a railroad from manning trains in accordance with federal legislation or awards pursuant thereto, or collective bargaining agreements. Repeals initiative provisions on crews required for freight, mixed, or work trains, and right of State Public Utilities Commission to determine number of brakemen on all trains, and repeals other legislation concerning crews on certain kinds of trains.

YES

NO

17

(This proposed law expressly repeals existing sections and adds new provisions to the law; therefore **EXISTING PROVISIONS** proposed to be **REPEALED** are printed in **STRIKE-OUT TYPE** and **NEW PROVISIONS** proposed to be **ADDED** are printed in **BLACK-FACED TYPE**.)

**PROPOSED LAW**

An act to adopt the Railroad Anti-Featherbedding Law of 1964 by adding Sections 6900.1 and 6900.5 to the Labor Code and repealing Sections 6902, 6902.1, 6902.5 and 6903 of the Labor Code.

The People of the State of California do enact as follows:

Section 1: A new Section to be numbered 6900.1 is hereby added to the Labor Code, to read:

6900.1. This Act shall be known and cited as the Railroad Anti-Featherbedding Law of 1964.

Section 2: A new Section to be numbered 6900.5 is hereby added to the Labor Code, to read:

6900.5. It is the policy of the people of the State of California that featherbedding practices in the railroad industry should be eliminated and that national settlement of labor controversies relating to the manning of trains should be made effective in California. Accordingly the award of the Federal Arbitration Board No. 282 appointed by President John F. Kennedy pursuant to Congressional Public Law 88-108 of August 28, 1963, providing for the elimination of excess firemen and brakemen on diesel powered freight trains, or awards made pursuant thereto, shall be made effective in this State. Said award was the culmination of the proceedings originating with the Presidential Railroad Commission which was appointed by President Dwight D. Eisenhower at the request of both railroad labor and manage-

ment and reported to President Kennedy on February 26, 1962.

Nothing contained in the laws of this State or in any order of any regulatory agency of this State shall prevent a common carrier by railroad from manning its trains in accordance with said award, in accordance with any federal legislation or awards pursuant thereto, or in accordance with any agreement between a railroad company and employees or their representatives.

Section 3: Section 6902 of the Labor Code, reading as follows, is hereby repealed:

6902. No common carrier operating more than four trains each way per day of 24 hours on any main track or branch line of railroad within this State, or on any part of such main track or branch line, shall run or permit to be run, on any part of such main track or branch line, any freight, mixed, or work train on which there is not employed at least one conductor and the following:

- (a) One engineer and one fireman for each steam locomotive where the train is propelled or drawn by steam.
- (b) One motorman for each train propelled or run by electricity.
- (c) One motor or power control man for each train propelled by motive power other than steam or electricity.
- (d) Two brakemen.

Section 4: Section 6902.1 of the Labor Code, reading as follows, is hereby repealed:

6902.1. No common carrier operating more than four trains each way per day of 24 hours on any main track or branch line of railroad within this State, or on any part of such main track or branch line, shall run or permit to be run, on any part of such main track or branch line, any freight, mixed, work train on which there is not employ one engineer and one fireman for each diesel locomotive weighing over forty-five tons (45).

tion 5: Section 6902.5 of the Labor Code, reading as follows, is hereby repealed:  
6902.5. The Public Utilities Commission of the State of California shall have the power, after hearing had upon its own motion or upon complaint, by general or special order, rule, or regulation, or otherwise, to require each common carrier by railroad within the State of California to operate its trains, with such number of brakemen as are necessary to promote the safety of its employees, passengers, and the public; provided, however, that the Commission shall not require the employment of such number of brakemen as will result in feather-bed practices.

Section 6: Section 6903 of the Labor Code, reading as follows, is hereby repealed:

6903. No common carrier operating more than four trains each way per day of 24 hours on any main track or branch line of railroad within this State, or on any part of such main track or branch line, shall run or permit to be run, on any part of such main track or branch line, any self-propelled pile driver, car, or vehicle which has sufficient power to draw or propel itself and one or more standard cars, or any train propelled or drawn by steam,

electricity, or other motive power other than those trains described in Sections 6901, 6902, and 6902.1 on which there is not employed at least one conductor and one brakeman and the following:

(a) One engineer and one fireman for each diesel locomotive.

(b) One motorman for each train propelled or drawn by electricity.

(c) One motor or power control man for each train propelled by motive power other than diesel or electricity.

(d) One steam engineer or one motor or power control man for each self-propelled pile driver or other self-propelled vehicle which has sufficient power to draw or propel itself and one or more standard cars. The provisions of this section with reference to self-propelled pile drivers or other self-propelled vehicles apply only where the self-propelled pile driver or vehicle is moved under its own power from one permanent station or siding to the place of work if the distance is one-half mile or more.

The provisions of this section shall not be applicable to any diesel locomotive weighing forty-five tons (45) or less.