

CHIP HARDIN

January 28, 1982

Dropped in on Chip to get the text of the 2 versions of the Burlington Northern language.

They appear in the copy of the bill which I have.

The original BN version appears now, in the final bill languages - Title 4 - 95 Stat 1465. Section 402. It was this language that BN objected to in beginning.

After the objection fracas with BN, Chip says Mark's position was "you ain't seen nothing' yet" and he moved to the more general version. Chip says there was some support for that more general position among people who wanted it to apply to other RRs. So it wasn't all Mark's fight with BN. But, mostly it was.

The new version appears in the bill as Section 311 of the bill. This section was the one Mark got put in the original conference report. Now this original conference report was not called up, as it turned out, til after the continuing resolution.

But once it appeared "the whole Railroad lobbying community came to Mark's office. There was standing room only. They were having a retreat at some fancy resort and they all left it to come here. The entire industry lobbied to have the provision apply only to N.D... I was told by some railroad men later that this was the biggest railroad issue this year. The slurry pipeline was second."

Procedurally what happened was that after the continuing resolution was passed, Mark called up the transportation approp. conference report with an amendment i.e., the whole of Title 4 bringing dollar amounts in line with the continuing resolution. And containing the original Senate language on BN. The amendment, i.e., Title 4 was same in both Houses. This meant that

Transportation had a regular approp. bill and is not affected by the continuing resolution which runs out in March. They are covered til Oct. 1.

Chip tried to explain to me why the restriction of 350 miles was put on in first place; but I don't understand. It has something to do with idea that if you leave BN free to do as they wish, they will not abandon worst lines first, but will abandon better lines where people aren't too attentive first and then move to p lines. "Now BN will have to play a more honest factual game."

Mark asked ICC to send a task force to ND to explain to shippers how to appeal abandonments. "It's a pretty good system if everyone can be a player. But osme owner of a little cheese factory doesn't know anything about the ICC."

"It was a difficult issue for Mr. Andrews. He doesn't want to be put in the position of picking and choosing which lines will be abandoned."

While I was there MA called and they had a long conversation. He called him "Sir" - "Yes Sir."