

Commuters vow to get train back

By Kathy Parrish
staff writer

Despite two setbacks in Oakland County Circuit Court, train riders are moving full steam ahead to get their service back.

Using \$3,000 collected in the past 10 days, the Michigan Association of Railroad Passengers (MARP) is headed for the Michigan Court of Appeals.

"We've lost a couple rounds, but not the battle," said Southfield attorney Sheldon Kay. Kay said he intends to "get those trains rolling again."

"The law is on our side. We're not done with this yet."

OAKLAND CIRCUIT JUDGE Robert Tempin yesterday denied MARP's

request to reinstate the commuter rail and make the Southeastern Michigan Transportation Authority (SEMTA) show in court why it cut the service.

The three Pontiac-Detroit trains were to be eliminated Monday as part of a SEMTA plan to head off a \$18 million deficit. The transportation authority also reduced bus routes and staff.

A lawsuit filed Friday by MARP delayed SEMTA's action one day. But in an emergency hearing requested by SEMTA, Tempin Monday allowed the rail service to be discontinued Tuesday.

In asking for a court hearing, MARP contended SEMTA has a legal duty to run the train from Pontiac to Detroit. The state legislature intended SEMTA to provide train service when it created

the authority, Kay said.

CITING AFFIDAVITS FROM a blind train rider and an economically disadvantaged passenger, the lawyer again asked for a writ of mandamus requiring SEMTA to continue the trains and show cause for the cut.

"It's not our problem that SEMTA is virtually shackled by funds. They have to work that out. It's their burden of proof to show why they can't provide that. We are entitled to that in court."

Representing SEMTA, Bloomfield Hills attorney Robert Hurlburt said the authority has the power to determine cuts. He contended a mandamus is not appropriate in the case because people hurt by SEMTA's action do have re-

course in court.

"THE COURT IS not allowed under the guise of mandamus to substitute itself for the authority and run a transportation system in southeastern Michigan," Hurlburt said.

Tempin ruled against the motion, calling a mandamus "an extraordinary remedy which I feel should be used when there is no possible other remedy."

"We've got to be practical," Tempin told the court. Maintaining the train at \$9,000 a day would be a hardship on the authority, he said.

"Your affidavits are just not enough to insist SEMTA should continue the train. I'm going to have to deny the motion."

Allo defends his comp board role

By Tim Richard
staff writer

Republican state senators today headed for a showdown vote on Gov. James Blanchard's choice to head a major state agency, GOP leaders were confident that even if they can't reject Clifford Allo, they can expose Blanchard as being anti-business.

"I've been turned into a symbol, and I don't believe there's any reality to it," said Allo, who will serve 3½ years on the Workers Compensation Appeals Board unless 20 senators vote to reject him.

The 38-year-old former Bloomfield Township resident faced during two hours of grilling in a Senate committee Wednesday. The former University of Detroit law professor sought to portray himself as "a neutral working in a Republican administration" (of William G. Milliken), a "technician" and a "moderating influence" within the United Auto Workers union.

SENATE MAJORITY Leader William Faust, D-Westland, sought to keep the appointment from going to the Senate floor by not reporting Allo and five other appointees out of his Senate Administration Committee.

The six are automatically confirmed 60 days after their appointments unless 20 senators vote to reject them. By Republican calculations, Allo's 60 days expire Monday. Thus, today is the final working day for Republicans to force Senate action.

Sen. Doug Cruce, R-Troy, said he would seek full Senate approval today of a discharge petition, a parliamentary maneuver which would bring the

matter immediately before the Senate. Senate Minority Leader John Engler, R-Mt. Pleasant, said the appointment would be decided by "one vote, either way." He was confident all 18 Republicans would vote to reject. The tactical question was whether he could pick off two of the 20 Democratic senators to block the appointment.

"I DON'T think the business community is against me — just one organization," Allo told senators.

He meant the Michigan State Chamber of Commerce, which conducted a letter writing campaign and organized members to appear at the confirmation hearing wearing "Stop Allo" buttons.

Allo said the Michigan Manufacturers Association and Big Three automakers "have dealt with me first-hand and know what I am. A lot of people in the room have been genuinely misled."

When Sen. Nick Smith, R-Hillsdale County, asked what he would "overcome" the anti-business symbolism, Allo replied:

• As chairman of the 15-member appeals board, he has instituted a system of "blind draw" assignment of workers comp appeals cases, rotating three-member panels and assigning cases at random, reducing chances of bias. He said his Republican-appointed predecessor, Michael Gillman of Dow Chemical Co., had assigned cases based on members' interests and had not set productivity standards, as Allo said he plans to do.

• "I hope this hearing gets out better information than has been put out," he said, again pointing to the auto chamber campaign against him.

• "I will go back and meet with any (complaining) chamber and let them get to know me. I will be as available as much as possible. I've always respected the businessman as one who looks at costs."

DESPITE REPUBLICAN grilling, some questions were easy. Democrat Gary Corbin of Clio asked if Allo were a "UAW puppet."

"I reject it flatly, totally, unequivocally," said Allo. He related an incident in which he advised a UAW leader to "do something about retirees." The reference was to the way some UAW retirees would collect pensions, then file workers comp claims for vague injuries — a practice which business and

Republicans blistered as double-dipping.

"I was a moderating influence" as a consultant to the UAW, Allo said. "I've severed my ties with them. I'm working for the state as a neutral."

He said he had handled one UAW member's workers comp case against General Motors on appeal to the state Supreme Court. Republican leader Engler read from Allo's legal brief, saying Allo had "accused GM of blatantly flaunting the law."

"I was arguing for my client," replied Allo. "That was not a personal position."

Sen. Cruce scoffed. "You've tried to make us believe there was no personal Mr. Allo — just an attorney Mr. Allo."

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