

February 23, 1982

LB 230

SENATOR NICHOL PRESIDING

SENATOR NICHOL: The question is shall the Vickers amendment be adopted? All those in favor vote aye, opposed nay.

CLERK: Senator Nichol voting yes.

SENATOR NICHOL: Have you all voted? Record, Mr. Clerk.

CLERK: 34 ayes, 0 nays, Mr. President, on the adoption of the Vickers amendment.

SENATOR NICHOL: The Vickers amendment is adopted.

CLERK: Mr. President, Senator Beutler would now move to amend the bill. (Read Beutler amendment as found on page 818, Legislative Journal.)

SENATOR NICHOL: Senator Beutler.

SENATOR BEUTLER: Mr. Speaker, members of the Legislature, as you are aware, the bill requires that the rear car of the freight train shall be an occupied caboose. That is the general rule of the bill. And then it also provides for exemptions. It says that the Commission, and in this case we are talking about the Public Service Commission, can grant exemptions from the requirements for certain railroad freight train operations upon the application by the railroad and upon a finding that the operations proposed for an exemption would not adversely affect the safety of the public or the employees of the railroad. So you have the basic rule that you have to have occupied cabooses, and then you give the commission the power to exempt operations if they would not adversely affect the public or employee safety. Okay, I want to change the standard. The standard is if it would adversely affect public safety. Well, I think anytime you eliminate a caboose you can probably argue that there is some kind of adverse effect and, therefore, the exemption provision would not allow for the exemption of very many operations in my opinion. But I think the bill would be much more palatable to everyone if we would expand the standard for granting exemptions and to that end I have changed the language of that exemption provision to read as follows: They can be exempted from having a caboose if the exemption would not have a substantial adverse effect on the safety of the public or the employees. That is we are changing from just an adverse effect to a substantial adverse effect. All of the arguments about the caboose bill come down to the public safety and employee safety aspects and, quite frankly, reflecting to you the testimony before the Public Works Committee, it was difficult to