

SENATOR FOWLER: Mr. President, I guess I need to clarify a couple of things. Senator Clark and Goodrich I don't think have looked at all of the sections of the bill with regards to what we are talking about here. On the page that Senator Goodrich is amending, Section 2, it indicates, first of all there is a limitation as to when this phrase "occupied caboose" would apply. It says it shall apply to all cabooses except those used in terminal service, or operating within a two-mile limit of the terminal. So there is a limitation there. So we are really talking about the train as it is moving in and away from the terminal. Further the section that Senator Beutler amended dealt with exemptions that could be offered, and if there is some sort of circumstance where the train is moving and the person wishes to leave the caboose, I am not sure that is a recommended procedure, depends upon the speed of the train I suppose, but if in fact there was some condition such as that, the exemption provision certainly would be there and it allows the Public Service Commission to grant exemptions, lines 21 and 22, it just underlines Senator Goodrich's amendment. And then Senator Beutler amended that so that the waivers or exemptions would be fairly easy to get so I think that Senator Goodrich is creating situations that are already covered in the bill. There already are provision for those and basically what his amendment would do is strike the requirement when the train is moving at a high speed across the state that there be someone back in that caboose. And so I think that a certain amount of...a few misconceptions happen to be spread around and I certainly want to correct those. The bill is designed to take into account those situations in railroad operations that Senator Clark and Senator Goodrich were discussing. So there is really no need for this amendment.

SENATOR NICHOL: Senator Goodrich, did you wish to close on your amendment?

SENATOR GOODRICH: Yes. Really what it boils down to is we have got to make a decision. If you want the caboose to be mandatorially occupied or do you want the ability for the brakeman, for example, or the conductor to be able to leave the caboose and to do their regular duties. Now if you pass this bill the way it is, someone has to sit in the caboose all of the time. He can't have any other duties. So what are you doing? You are adding a man to the crew, a man to sit in the caboose and do nothing else because the brakeman has to go through the train, the conductor has to go through the train to do their other duties and it is as simple as that. You are adding a man