

abandoned railroads at all. This is for all people who use trails, right?

SENATOR WICKERSHAM: Well, but I'm just using that as an example. When you have a use that is known, then it is appropriate to use the standard of care that you're suggesting. What I'm concerned about are those circumstances where you can't know that someone is...or can't reasonably know that someone is using that trail, and that's what this is directed at.

SENATOR BEUTLER: Well, let's take just standard railroad property. If it were still railroad property and you negligently injured some railroad workers while they were working on the railroad.

SENATOR WICKERSHAM: Yes.

SENATOR BEUTLER: It's a negligent standard, is it not?

SENATOR WICKERSHAM: That would be correct.

SENATOR BEUTLER: So somehow trail users are not as worthy of protection as railroad workers.

SENATOR WICKERSHAM: No, Senator Beutler, the...

PRESIDENT MOUL: One minute.

SENATOR BEUTLER: Well, that's what we're saying it seems to me.

SENATOR WICKERSHAM: No, the railway workers, I think everyone would recognize, are going to be quite visible in their operations. The right-of-ways are built up. They would typically be out completely in the open. That's the nature of trackage. It's very evident that they're there. I'm concerned about those circumstances where harm may occur to persons when you do not know and you cannot reasonably know that they are there and that's the reason for the intentional disregard. If you can see someone is there and you still harm them in some way, I would suggest to you that that is an intentional disregard for their safety. You know they're there; you go ahead anyway. And that is addressed in this amendment. I'm concerned...

PRESIDENT MOUL: Time.