

think it achieved what it was supposed to do and that is keep in place existing crossings or at least I think that's what it is supposed to do, but it says it's going to allow all railroad crossings. Well, railroad crossings, you aren't crossing another railroad. You simply have crossings that cross the right-of-way. And what the provision does is protect the status of those existing crossings under the same conditions and terms as they existed at the time of acquisition. In other words, if you had a written agreement or even an oral agreement for the right-of-way, that stays in place. The amendment adds language that says unless the parties agree otherwise because I did not wish to freeze in statute what existing agreements were. The parties to one of these rights-of-way crossings should always have the option to modify their agreement and that's part of what the language in the amendment does. The other provision in the amendment as I noted earlier deals with fences. It cuts the issue, if you will, in two slices. It says that the commission shall have the authority initially after acquisition to establish their fences either by repair or construction. After that occurs, then the private adjoining landowners have the responsibility to care for the fence. That is somewhat different than existing fencing rules, for example, that deal exclusively with railroad rights-of-way. The rule, if it remains a railroad right-of-way, is that the railroad has to maintain the fences. Other fences are typically maintained one-half by each of the adjoining landowners. So this is a different rule that would be applied to the recreational trails but perhaps one that makes sense, essentially giving the commission the burden to establish the initial fence imposing the burden for subsequent maintenance on the adjoining landowners. With that, I would simply be..make myself available to respond to questions. It looks like we're getting a little bit thin here, Senator Beutler. I don't know if anybody other than you and I are interested in this particular issue, but maybe 25 people will be interested enough to vote one way or the other. But anyway, if there are any questions, I'll be happy to try to respond.

PRESIDENT ROBAK: Thank you, Senator Wickersham. Senator Beutler to speak to the Wickersham amendment.

SENATOR BEUTLER: Madam Speaker, members of the Legislature, I'm not going to vote for the Wickersham amendment simply because it's not as favorable to trails. But having said that, I would