

ran without cabooses than in those states where the railroads ran with cabooses. And because it appeared statistically that there was absolutely no difference in terms of the basic safety issues that we were concerned with, then it seemed to me that the State of Nebraska no longer had an interest, a legitimate public interest, in requiring the railroads to run with cabooses. So I continue to make that point. I ask you to take a hard look at the statistical information that has been provided to you. As best I can tell, that information has been fairly compiled. I note that I cannot find in the information, and I have visited with those who would have some reason to be critical of the information, as to whether or not they know of any glaring inaccuracies in the information and at this juncture no such inaccuracies have been developed and statistics are there, so it seems to me, in my mind, that in the absence of any affirmative showing, of any affirmative showing that trains with cabooses are inherently safer than trains without cabooses, then the State of Nebraska has no legitimate public business in requiring an industry to maintain the caboose. We may legislate only in the public welfare and safety and that is an essential function of the police power of this state to legislate only in the public welfare and safety and if you can't find the safety, statistically and factually, then the state has no business legislating in that area. I would support LB 807.

SENATOR CARSTEN: Thank you. Senator Arlene Nelson, please.

SENATOR NELSON: Mr. President and members of the body, I guess I don't need to tell you how I feel on this. I will not vote to advance it today. Senator Johnson, maybe I could allude a little bit to the statistics. I think I have pointed out time and time again here that accident that is avoided is never a statistic. A shifting load of lumber that is reported by that rear end man is never a statistic that you will see on the records. I remember in meeting with some railroad officials a few days back the question come up and this has not been discussed. Incidentally, I first must say, I had a call, too, on the politics. I was never contacted by anyone in either party or the Democratic Party, but I will go back to my point. I asked about the hazardous materials. I am not accusing the railroad, I am more familiar with the Union Pacific and I will have to say I think they are very good in notifying the employees, and so on. I think statistics will show between 40 and 44 percent, 45 percent of the trains do contain one type or another that are not unit trains. I asked them, what are you going to do about that? This official, I believe he was from