

because of the volume of the trains?

SENATOR WICKERSHAM: Well, those happen to be the areas that have the highest amount of traffic and, therefore, you have a greater potential for that kind of special hazard...

SENATOR KRISTENSEN: Are there...

SENATOR WICKERSHAM: ...as well as you noted the potential for blocking of traffic crossings.

SENATOR KRISTENSEN: Is there statistics or is there some background that would show that these have higher rates of problems, accidents or something? Because we're talking about safety, I hear yours as a convenience argument and not a safety issue.

SENATOR WICKERSHAM: Oh, well, I don't know that there are any statistics but, again, I will reiterate that you have the potential for derailling a train if you attempt to accelerate it when you have not pulled completely through a switch, and you can't know that.

SENATOR KRISTENSEN: Have those areas that you've designated had more derailments than the other areas?

SENATOR WICKERSHAM: I could not tell you.

SENATOR KRISTENSEN: Okay. And part of the reason I ask is that in the Montana cases they made these areas because they were high grade, steep grade areas, I think, and, Senator Wickersham, if I'm wrong, please correct me, but I believe that in Montana they made exceptions, saying that they were steep grades and that they needed these devices. The federal court found that those were not unique and that that wasn't enough to qualify for local hazards and that that didn't meet that exception and, I guess, my discussion with you is I think that you're talking more potentials like they were talking about steep grades and that, too, wouldn't qualify. The other point that I want to make and, Senator Wickersham, if I have some time, I'll let you have it and if I run out, I'll...I'm sure you'll use your own, that some of the discussion here has talked about our ability to influence Congress. If we can just keep this bill alive, maybe we can push Congress. Let's tell the big guys we don't like what they're doing. Quite frankly, the discussion we've had on