

# MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

2188

2007 SENATE JUDICIARY

SB 2188

# 2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. **SB 2188**

## Senate Judiciary Committee

Check here for Conference Committee

Hearing Date: January 16, 2007

Recorder Job Number: 1217

Committee Clerk Signature *Maria L Solberg*

**Minutes:** Relating to railroad safety and risk assessments.

**Senator David Nething**, Chairman called the Judiciary committee to order. All Senators were present. The hearing opened with the following testimony:

### Testimony In Support of Bill:

**Sen. Fischer**, Dist. #46 (meter 0:01) Introduced the bill – Att. #1

**Sen. Robinson**, Dist. #24, Co sponsor in support of bill (meter 1:41) This is a very serious issue that I hope we never have to deal with. But we have had issues with this in Minot and in my community we had the "highland bridge extension" and it is very feasible to happen again.

**Rep. Lisa Wolf**, Dist. #3 (meter 3:08) Gave testimony – Att. #2 read a letter from Dr. Rick Towsand (meter 5:47)

**Sen. Nething** questioned how this bill (meter 7:16) would relate with emergency response teams. Page 2, line 28, states about "filing information"-this would not help with the immediate notification of local levels. Discussions of an amendment that would put these people in the loop.

**Mike Muscha**, Chairman of ND Leg. Board for the Brotherhood of Locomotive Engineers and Trainmen. (meter 12:04) Gave testimony – Att. #3

**Sen. Nething** asked what the relationship with the P.S.C. and the railroad (meter 18:18)

Discussion of who regulates what. The Federal Government does not regulate the railroad.

How is "hazardous cargo" currently being "secured" – locks on the doors.

**Sen. Lyson** (meter 20:20) discussed an amendment to put local emergency responders on the notification. Discussion of how in some areas they have a relationship with the railroad system and can find things out immediately while in others 6 months later they still do not have a response to an incident. Sen. Lyson is very concerned that the local responders are going into these situations "blind" to what they may be facing.

**Dennis Willer**, member of Bro. of Loc. Eng. & Trainmen (meter 22:10) Gave testimony – Att. # 4a, provided committee with chart 4b ND R/R Accident Reports.

**Sen. Nething** requested clarification of types of accidents (meter 26:27) D.E.P. vs. Equipment.

**Ron Huff**, Lobbyist for The Bro. of Loc. Eng. & Trainmen (meter 27:30) Discussed the accident portion of the bill – Att. #5 He also discussed on Page 2, line 3, Chap. 44-04-18, refers to open records laws, making it a Class C Felony if information is released. They are also open to a friendly amendment to include local emergency responders.

**Sen. Nething** questioned what other states have done (meter 32:16) This is modeled off of California Law. They are the only state that I am aware of that has adopted this type of legislation. Spoke of some of the states similarities in regards to type of freight and rural areas.

**Sen. Nething** stated (meter 33:54) the concern is about the safety of the railroad employees and how they need a process on how to act in the case of a situation. Discussed better training and homeland securities involvement also discussed were contract employees.

**Testimony in Opposition of the Bill:**

**Brian Sweeney**, Leg. Counsel for BNSF Railway (meter 39:40) gave testimony 6a, referred to Att. #6b Freight Rail Security Briefing”, Att. #6c U.S. Dept of Homeland Security and Transportation and Att. #6d. Letter from H. Steven Blum, Am Aerospace Defense Command. Spoke of tracking reports and coordination with local responders “R.O.C.K.” in Texas.

**Sen. Nething** questioned (meter 50:05) on page 3, second paragraph, second sentence-are the local emergency responders in ND included. Mr. Sweeney responded that he did not know, only in a general form. Discussion of accessibility of information and lines of communications. Mr. Sweeney could not answer several of the “communication” process information. Sen. Nething requested from Mr. Sweeney what training the employees have for situations and exactly how the communication works for to find out what the contents in a train are in a adverse situation.

**Sen. Fiebiger** question the “confidentiality” issues of sharing information broadly. Discussion of Federal Law.

**Mr. Tom Kelsch** – Local Attorney representing CP Rail. (meter 59:46) We concur with the remarks that Northern Railway made. The representative from CP Rail tried to make the hearing but with the notice being so short they could not get a flight. **Sen. Nething** requested the importance of there presence and would convene the hearing until next wed. at 1:00 so that they may be on the record.

**Testimony Neutral to the Bill:**

**Greg Wilz**, Dir. Of Homeland Security ND (meter 1:2:17) Att. #7 Discussed his problems getting information from the railway on a couple of instances. Homeland security are not first responders, they are in charge of the after effects. Discussed two incidence in which the railroad snubbed him. Calls from sheriffs offices so the first responders were aware of what they were getting into. Things are still “popping” up from under the water from this wreck. We

have over 15,000 first responders we are responsible for the leaders of those people should at least be aware of what they are getting into. Discussion on if this bill could help or not. The railway has provided a list of top "25 chemicals" that go through ND.

The committee discussed funding for homeland security.

**Scott Radig**, Dir. Of Div. of Waste Management, gave testimony – Att. #8

**Annett Bendish**, from PSC.(meter 1:24:13) The chairman requested that Bill Bennek from PSC be present for the cont. of meeting next wed. p.m.

**Senator David Nething**, Chairman closed the hearing.

# 2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. **SB 2188**

Senate **Judiciary Committee**

Check here for Conference Committee

Hearing Date: January 24, 2007

Recorder Job Number: 1805

Committee Clerk Signature

*Maria L Solbery*

**Minutes:** Relating to railroad safety and risk assessments.

**Senator David Nething**, Chairman called the Judiciary committee to order. All Senators were present. The hearing opened with the following testimony:

## **Testimony In Support of Bill:**

**Mr. Krenda** on behalf of Tom Kelsh introduced **Faye Ackermans** (meter 0:00) Gave Testimony – Att #1a and submitted US Dept of Homeland Security Manifestation – Att. 1b. & Att. #1c.

**Sen. Fiebiger** is very concerned that being the plans are so “closely” guarded that the left hand does not know what the right hand is doing. He is concerned that the plans are built around what is “perceived” to be a threat. These plans are not for the emergency responders it is only a response for terrorism.

**Sen. Olafson** cited his concern for the local responders (meter 8:40) and how they get information, discussing the protocol.

**Sen. Nelson** stated on page 4, of your testimony (meter 11:30) the requirement to keep things “merely confidential”, in our state means as tight as you can get, discussion about there terminology. When you talk about training of all rail employees who are required to be trained by HM2-32 who are they and what is the training? Any employee who handles dangerous

good Ms. Ackermans (meter 12:50) spoke in detail. No training from the high-end of your organization down from the employee to the local emergency response people? No, Only within the person on the train, handling the actual materials.

**Sen. Nelson** commented living near a rail road track and her concerns about being there (meter 14:00).

**Sen Fiebiger** stated (meter 15) on pg. 3, the process of "OT55" the 25 most dangerous and then the additional process of more information-and the restrictions of this information (or lack of information) at the time of a train wreck there is the need to have specific information-can you address this. (meter 15:40) She responded this is done in the "pre planning" of an actual event they address it and the train crew have the list of items and the network manager system has the list if the crew are not available.

**Sen. Fiebiger** asked (meter 16:10) that we have heard testimony of the people who have been involved with trying to get the information from you and that information you provided was of little, or no use. Is there anything that you have in process to make that information more of use? Ms. Ackerman answered with a statement that did not answer this question.

**Sen. Lyson** discuss his concerns (meter 18:06) of a first responder coming onto an accident seen and seeing a "cloud" of smoke or something coming out of the train. You state that the information is available as soon as possible, is that the next day? Discussion of location of labeling on the product-but in the case of a fire you may not get close to it. Discussion of this.

**Sen. Fiebinger** spoke of they do not want employees to be in harms way. You speak (meter 19:00) of prevention but nothing is on responding to an accident or an act of sabotage.

Discussion of this.



Sen. Nething (meter 20:50) stated the proponents of the bill's reasoning for putting the bill in was the concern of the employees and there own safety. The crew, are the true first responders and our sense is they do not have this. What is your view of this?

**Phil Marbut**, CP Railway (meter 22:38) spoke of his local level "full-scale" training drills-did not state if any were done in ND. Discussed in detail a document with the product description on it being on the train and the 24 hour central dispatch emergency number one could call. In Canada we are required to show them a document of all contents on the train and we provide them with it. We are not required to show this in the US. In situations the crew can not respond local emergency systems can call "Soo-help". Sen. Nething (meter 25:20) asked who on the train has the document. Mr. Marbut explained.

**Sen. Nething** asked if this process was in place at the time of the Minot accident? (meter 26:50) Yes. Was there not a delay at that accident with this process? Yes, but due to current law suits could not give a time amount.

**Sen. Fiebinger** (mete 27:30) Is there Federal law in place that address the concerns this bill? 49CRF172-82, I believe this was the law that requires the railroad to have a plan.

**Dan. Zink** , Red River Valley and Western Railroad (meter 22:12) spoke in a local level the full scale drills. Provided testimony that they are not in support of the bill stating his concerns, of states needing to have a consistent plan with each other. – Att. # 2a.

**Sen. Olafson** questioned exactly what in the bill they were opposed of (meter 32:44). Also submitted testimony of Greg Jeffries, BNSF Railway. Att. #2b

Also submitted: **William W. Benek**, Public Service commission ND

**Senator David Nething**, Chairman closed the hearing

## 2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. SB 2188

### Senate Judiciary Committee

Check here for Conference Committee

Hearing Date: January 31, 2007

Recorder Job Number: 2433

Committee Clerk Signature

*Mirra L. Salberg*

**Minutes:** Relating to railroad safety and risk assessments.

**Senator David Nething**, Chairman called the Judiciary committee to order. All Senators were present. The hearing opened with the following committee work:

**Sen. Nething** reviewed the request that was made that certain persons did not have time to book a flight. He reviewed the committee having plenty of testimony on both sides. While he respects both sides and there intentions, the unresolved issue is for the local community and there respective responders. Other then the actual workers/people on the train they are the first to come upon a situation. They do all they can to get there quickly and when they get there what to do next. Some decisions are made without a whole lot of information or help from anyone. The other side of the issue is the impact on the National level and how much we can legitimately expect to have available. In my mind I would like to not have this bill go any farther, but to turn it into an interim study.

**Sen. Lyson** reluctantly agreed stating that this seems to be like going to a "family fight". You said, I said, who said. I am in a quandary as to how to go, but I would like something to be done in regards to these issues. (meter 3:43) The committee discussed more of the same sentiments. **Sen. Nelson** could not understand why they can have a bill of lading for parts of the country, why is it so difficult to do it in another? Her other concern was training and the

conflicting stories. The people who are working on the train are worried. This concerns me greatly. Two years from now is too long to find out! Something really bad could happen in that time. **Sen. Fiebiger** stated that he was not sure that this bill would address what either side is trying to accomplish and to water down the bill it would definitely not do it. **Sen. Nething** stated that sometime a study forces proactive activity. (meter 8:00) He was concerned how sometimes a study is to kill a bill. While we realize how legislative council hates a mandate, we are greatly concerned with the issues this bill brings up, if the study did not get done and something happened it would be unacceptable-this is the only way Sen. Nelson would agree to a study.

**Senator David Nething**, Chairman closed the hearing.

# 2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. **SB 2188**

## Senate Judiciary Committee

Check here for Conference Committee

Hearing Date: February 6, 2007

Recorder Job Number: 3047

Committee Clerk Signature *Maria L Solby*

**Minutes:** Relating to railroad safety and risk assessments.

**Senator David Nething**, Chairman called the Judiciary committee to order. All Senators were present. The hearing opened with the following testimony:

Sen. Nething reviewed the amendment that mandated a study – Att. #1

**Senator David Nething**, Chairman closed the hearing.

**Sen. Nelson** made the motion to Do Pass Amendment – Att. #1 and **Sen. Fiebiger** seconded the motion. All members were in favor and the motion passes.

**Sen. Nelson** made the motion to Do Pass SB 2188 as amended and **Sen. Lyson** seconded the motion. All members were in favor and the motion passes.

Carrier: **Sen. Fiebiger**

**Senator David Nething**, Chairman closed the hearing.

February 6, 2007

PROPOSED AMENDMENTS TO SENATE BILL NO. 2188

Page 1, line 1, replace "four" with "a" and replace "sections" with "section"

Page 1, line 2, replace "safety and risk assessments" with "accident reports; and to provide for a legislative council study of risk assessments and railroad safety"

Page 1, line 4, replace "Four" with "A" and replace "sections" with "section"

Page 1, line 5, replace "are" with "is"

Page 1, remove lines 6 through 23

Page 2, remove lines 1 through 30

Page 3, remove lines 1 through 24

Page 3, line 26, remove "or a derailment involving"

Page 3, remove lines 28 through 31

Page 3, after line 31, insert:

**"SECTION 2. LEGISLATIVE COUNCIL STUDY - RISK ASSESSMENTS AND RAILROAD SAFETY.** During the 2007-08 interim, the legislative council shall study risk assessments for railroad facilities, the handling of hazardous cargo by railroads, and the ability of railroads to respond to potential accidents and emergencies, including sabotage, terrorism, and other crimes. This study must include an evaluation of whether whistleblower protection would provide a desirable response in employees to report dangerous conditions or violations of law relating to hazards, emergencies, and accidents. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-first legislative assembly."

Renumber accordingly

Date: 2-7-07

Roll Call Vote # 1

2007 SENATE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. 2188

Senate \_\_\_\_\_ Judiciary \_\_\_\_\_ Committee

Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken Do Pass Amendment - Att #1

Motion Made By Sen. Nelson Seconded By Sen Fiebiger

Senators	Yes	No	Senators	Yes	No
Sen. Nething	/		Sen. Fiebiger	/	
Sen. Lyson			Sen. Marcellais		
Sen. Olafson			Sen. Nelson		

Total Yes 6 No 0

Absent 0

Floor Assignment \_\_\_\_\_

If the vote is on an amendment, briefly indicate intent:

Date: 2-7-07

Roll Call Vote # 2

2007 SENATE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. 2188

Senate \_\_\_\_\_ Judiciary \_\_\_\_\_ Committee \_\_\_\_\_

Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken Do Pass AS Amended

Motion Made By Sen. Nelson Seconded By Sen. Lyson

Senators	Yes	No	Senators	Yes	No
Sen. Nething	✓		Sen. Fiebiger	✓	
Sen. Lyson	✓		Sen. Marcellais	✓	
Sen. Olafson	✓		Sen. Nelson	✓	

Total Yes 6 No 0

Absent 0

Floor Assignment Sen. Fiebiger

If the vote is on an amendment, briefly indicate intent:

**REPORT OF STANDING COMMITTEE**

**SB 2188: Judiciary Committee (Sen. Nething, Chairman) recommends AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2188 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "four" with "a" and replace "sections" with "section"

Page 1, line 2, replace "safety and risk assessments" with "accident reports; and to provide for a legislative council study of risk assessments and railroad safety"

Page 1, line 4, replace "Four" with "A" and replace "sections" with "section"

Page 1, line 5, replace "are" with "is"

Page 1, remove lines 6 through 23

Page 2, remove lines 1 through 30

Page 3, remove lines 1 through 24

Page 3, line 26, remove "or a derailment involving"

Page 3, replace lines 28 through 31 with:

**"SECTION 2. LEGISLATIVE COUNCIL STUDY - RISK ASSESSMENTS AND RAILROAD SAFETY.** During the 2007-08 interim, the legislative council shall study risk assessments for railroad facilities, the handling of hazardous cargo by railroads, and the ability of railroads to respond to potential accidents and emergencies, including sabotage, terrorism, and other crimes. This study must include an evaluation of whether whistleblower protection would provide a desirable response in employees to report dangerous conditions or violations of law relating to hazards, emergencies, and accidents. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-first legislative assembly."

Renumber accordingly



2007 HOUSE JUDICIARY

SB 2188

## 2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. SB 2188

House Judiciary Committee

Check here for Conference Committee

Hearing Date: 3/6/07

Recorder Job Number: 4486, 4487

Committee Clerk Signature



Minutes:

**Chairman DeKrey:** We will open the hearing on SB 2188.

**Rep. Lisa Wolf:** (see attached testimony). For every \$9 we spend on airport security, we spend a penny on our rail system. It doesn't make sense to me.

**Rep. Dahl:** Regarding section 1, requiring railroads to contact the Dept. of Emergency Services, in your testimony you said that folks with a cell phone were able to contact the appropriate authorities. How is this helpful in moving forward.

**Rep. Wolf:** It says that they have to notify. More so in the case of other areas, when accidents do happen they don't tell me. The railroad does not always let people know that there's been an accident. This one was too hard to cover up, they had 290,000 gallons of anhydrous over our city, and they had to tell somebody what had happened. But you will hear testimony of other incidents that have happened where they don't tell people, the chemicals have been released.

**Rep. Dahl:** Railroads are largely governed by federal law, do you know of any federal laws that are on the books that would require that reports be made in case of an accident.

**Rep. Wolf:** I don't know specifically, but there are people here that do.

**Rep. Koppelman:** I was just looking at the language, it says a railroad corporation shall provide immediate notification. Somehow the words corporation and immediate don't seem to jive, because the corporate structure, like any large entity in a scenario like you just described, it's not like somebody has a cell phone on the spot to call, but it looks like the bill makes it a corporate responsibility. Can you shed some light on that wording.

**Rep. Wolf:** I can't, but there are others who can.

**Chairman DeKrey:** Thank you. Further testimony in support.

**Sen. Larry Robinson:** I am here in support as well. We were on break in Appropriations and we gave up that time to be up here.

**Chairman DeKrey:** Thank you. Further testimony in support.

**Sen. Tom Fischer:** Sponsor, support.

**Chairman DeKrey:** Thank you. Further testimony in support.

**Mike Muscha, Brotherhood of Locomotive Engineers and Trainmen:** (see attached testimony).

**Rep. Dahl:** I'm looking at the word "immediate" and going back to Rep. Koppelman's question about the corporate structure, I'm just wondering under this statute, in terms of taking into account the corporate structure, wouldn't an hour and 10 minutes be considered immediate.

**Mike Muscha:** An hour and 10 minutes in the right situation would mean hundreds of people dead. The point is when we know a car goes down, we're carrying hazardous materials, we know where they are at in the train, and usually we can tell roughly most times about where it's at, within a few minutes we know; we call our dispatchers and the technology has vastly changed since when I started, but 90% of us carry cell phones, we can get the message out. The point that I think needs to happen, the corporations need to make sure that we have the

training how to get the message out faster. I think that's why the language is in the bill. For example, ironically, I just had a class the other day on strange activity around a railroad track and I came in 20 minutes before I went to work, I watched a little short video, and I signed my name, and I guess I have been trained on how to report accidents now. So maybe it came up after we started this process, but that's the way it should work. We need to have programs in place on how to notify the emergency services people.

**Rep. Onstad:** Let's say that what you foresee happening in the near future is going to happen, how is that going to occur.

**Mike Muscha:** I was given the reassurance that it was going to be studied, and if it is studied, I say thank you and we're moving along. History tells me that we will probably need another incident before people wake up. It goes back to when I came to this legislative session 10 years ago, with a critical incident concerning a locomotive engineer having a fatality. It took about six years to really fix the problem, but we don't need anything like Minot ever having again. I had one similar incident at Bordulac, ND in 1987. At that time, the same kind of anhydrous spill happened there on CP rail. There wasn't any public around there, it traveled for 22 miles and the Highway Patrol and sheriffs ran ahead of it and kept people moving away from the cloud until it dispersed.

**Rep. Koppelman:** It looks like the original bill had a risk assessment procedure and so on. It's essentially been amended down to a study and the accident report, which is probably just fine for now, but I'm still concerned about the way the accident report provision is written. As an engineer, wouldn't you think it would be more practical for you, if you there on the train, and you notice a problem or spill, that you report it instead of it being the responsibility of the company that owns the railroad.

**Mike Muscha:** I believe that the corporation is responsible to give us direction. In our training, we aren't allowed to just hand this stuff out to anybody. So the corporation, I believe has a pecking order that we'll be trained, and we are on whom to respond to. They went to speed dial, 911, on our local radios, etc. I mean it could be just the committee that drafted that, where is said corporation, but I believe we are part of the corporation.

**Rep. Koppelman:** So you are satisfied because the word immediate is in there, that there will be some training or procedure put in place so if something like Minot were to occur again, you as the engineer on that train would have a clear indication of what you need to do, who you need to call, etc.

**Mike Muscha:** If something isn't working, there is a cell phone or there are multiple ways to get in touch with the corporation.

**Rep. Charging:** What about for the whistleblower, that is to protect you, because I'm sure that they have a protocol. Who owns the railroad.

**Rep. Kretschmar:** Shareholders.

**Mike Muscha:** The Burlington Northern Santa Fe is the largest railroad crossing the US, and they did testify at the last hearing. I believe the Red River Western I believe there are some short lines would have to comply with this also. They are the corporation.

**Rep. Charging:** Are they for the bill.

**Mike Muscha:** Against it.

**Chairman DeKrey:** Thank you. Further testimony in support.

**John Olson, BNSF:** We did oppose this bill in the Senate. We did agree to the language that is in the bill now. Rep. Koppelman, you asked a good question. Though we want to make the railroad corporation responsible for doing that notification, BNSF has trained 1100 employees in ND since 9-11, we take this really seriously. You haven't been informed but you can well

● imagine Homeland Security is really on top of this, not only for airlines but for railroads. I want to share the information that was presented to the Senate. I didn't intend to testify today, but I thought I should share this information with you. There is a freight rail security statement that is put out by the Association of American Railroads (see attached handout). There is also a US Department of Homeland Security, Dept. of Transportation Recommended Security Action items for the Rail Transportation of Toxic inhalation hazard materials (see attached). There is also a letter from the North American Aerospace Defense Command to the Association of American Railroads regarding what has been done so far (see attached). Also at the Senate hearing, I asked for a manifest of what is contained on an intermodal train going through ND and it was printed out for just your ordinary train on January 17. I think that shows the railroad's priority of having this information immediately available for the top 25 hazardous materials. So in this manifest it has the information concerning paint, whatever other sodium hydroxide and all of these supposedly not really serious hazardous materials, but not what was experienced in Minot. From my understanding, BNSF, within minutes of an accidental release, will have the information to first responders immediately. Those are the police, the sheriffs, whomever. We didn't object to the inclusion of the state office, that's fine. It probably should be on that list if they weren't already. I think they were there already, that's fine, and we'll notify them as well. I just wanted to share that information with you.

● **Rep. Koppelman:** In thinking about the whistleblower question, it seems to me that's probably covered with what Mr. Muscha described the process, if you are requiring the corporation to provide immediate notification, then the corporation would have to put in a protocol procedure in place telling its engineers or whoever the person is at the site, here's what happens if this accident occurs and therefore, there's no need for a whistleblower

protection because the corporation itself would be setting out that policy and the employee would just be following the policy set forth.

**John Olson:** That's absolutely correct. I don't think you want to restrict this language to any particular employee or anything like that, because that would cover that. I don't know what they are talking about the whistleblower, maybe there are other things going on in security or something that they want protection from. We will study it and see what they are talking about. I can tell you this, that BNSF and other railroads are very heavily involved with the Dept. of Homeland Security and the federal government. There are a bunch of agencies in the DOT, the Justice Department, there are a big number of agencies that are dealing with this issue. The bill that originally came in, was offered in other states. The only state that had adopted that legislation is California. California is involved in litigation over that bill right now, because of other things involving federal preemption and things like that. This is a complicated subject.

**Rep. Charging:** I'm aware of the nuclear transportation of nuclear substances. Is ND within that boundary in any way.

**John Olson:** I don't know, and I don't think so. I know this, the railroad transports about 98% of the arsenal weaponry, from tanks to whatever. So if there are nuclear things going across ND, I don't know. I can't say whether that is true or not, but I would say that would be classified information and be subject to the federal government restrictions on communicating that kind of information.

**Rep. Charging:** If, in fact, there is a crossing over the highways the federal government can appropriate money for training for that. If you don't have money, maybe it's not here yet.

**John Olson:** I'd be happy to explore that to make sure that you have a full response to that.

I'm not the one to ask.

**Chairman DeKrey:** Thank you. Further testimony in support.

