

50 U.S.C. Appendix Secs. 2121-2123 (1951 ed.). See also *Youngstown Sheet and Tube Co. v. Sawyer*, 343 U.S. 579, 603-609 (Frankfurter, J., concurring) (1952). Even the President's authority to initiate voluntary conferences under the Act expired on April 30, 1953. 66 Stat. 306 (1952), 50 U.S.C. Appendix Sec. 2166.

In addition to the powers of the President, certain administrative agencies having jurisdiction over transportation facilities are authorized to respond to abnormal traffic conditions. Thus, the Interstate Commerce Commission may permit motor and water carriers over whom it has jurisdiction to provide temporary service (limited to 180 days) to areas which such carriers are not normally certified to serve when existing service to these areas is inadequate.³ 49 U.S.C. secs. 310(a), 911. Similarly, the Civil Aeronautics Board may exempt carriers from route limitations (49 U.S.C. sec. 1386) and may authorize supplemental service for periods up to 90 days over routes where the regular service is temporarily insufficient (49 U.S.C. sec. 1387). We do not address in this legal memorandum the extent to which use of these authorities could mitigate the consequences of a nationwide shutdown of rail service.

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(Whereupon, at 12:20 p.m., the committee adjourned, to reconvene at 10 a.m., Thursday, May 11, 1967.)

³ Under 49 U.S.C. secs. 1(15) and 1(16), the Interstate Commerce Commission is also given broad authority to direct *rail* traffic under emergency conditions (to the extent, of course, that railroads may be operating). The President is empowered, moreover, to obtain preferences for military traffic carried by rail. 49 U.S.C. secs. 1(15) and 6(8). See Act of June 30, 1963, 67 Stat. 115 and Act of July 31, 1953, 67 Stat. 244, continuing those powers in effect without requiring declaration of war.