

This concludes my prepared testimony, Mr. Chairman. I would be happy to answer any questions that you or any other member of the committee might have.

The CHAIRMAN. Thank you, Mr. Chairman.

As I understand, this is your first appearance before this committee. I don't know whether you have appeared on the Senate side or not.

Mr. TIERNEY. I have appeared on the Senate side. This is my first appearance here, Mr. Chairman.

The CHAIRMAN. We want to welcome you and we hope your appearance here will not be too bad and that you will want to come back.

Mr. TIERNEY. Thank you, Mr. Chairman. I am sure I will.

The CHAIRMAN. I have two short comments I would like to make first before asking questions.

In your prepared statement, you have given us a long analysis of what the Interstate Commission does in handling filings under section 13a. I would like to make two comments.

On the bottom of page 3 and the top of page 4, you indicate that the form and style of the notice must conform with the Commission's rules and regulations, and that one of these is advice to the public as to its rights to object to such discontinuance.

Mr. TIERNEY. That is correct, sir.

The CHAIRMAN. I think it appropriate here to state that your form under title 49, chapter 1, section 434d, requires that the railroad give advice to the public that persons desiring to object should notify the Interstate Commerce Commission at least 15 days before the effective date of the proposed discontinuance or change.

Mr. TIERNEY. Yes, sir.

The CHAIRMAN. Mr. Tierney, on page 8 of your statement you discuss what was done by the Commission in the handling of the two filings by the Santa Fe of October 1967, and state that the Commission issued a notice on October 19 stating that it would not investigate the proposed discontinuance of these four trains, and you say "Up to this point the case was not unusual."

I simply do not want to get into a discussion this morning, but it is clear to me that the handling of this case up to this point, even before the Santa Fe took off its trains, was most unusual.

Now I have a question. In light of the revised second sentence which would read that a carrier filing the notice may not discontinue a train except as ordered by the Commission pursuant to this paragraph, do you read the new third sentence to mean that as the discontinuance of a train at the end of a 30-day period, the infinitive "to permit" is implicitly modified by the phrase "by order" in every instance?

Mr. TIERNEY. I am not sure that I understand your question.

The CHAIRMAN. I will give it again. At the end of the 30-day period, the infinitive "to permit"——

Mr. TIERNEY. Are you referring to the Senate version of 2711?

The CHAIRMAN. Yes. I want to say is it implicitly modified by the phrase "by order" in every instance? I think it is as you have given it here, because you have said that this is the part that you wanted to change.

Mr. TIERNEY. That is right; yes, sir.

The CHAIRMAN. And it is your interpretation that as it is written now, it is modified by the phrase "by order" in every instance?