

which such train or ferry is operated, and post in every station, depot or other facility served thereby, notice at least thirty days in advance of any such proposed discontinuance or change. The carrier or carriers filing such notice may, *upon the expiration of, but not during, the notice period*, discontinue or change any such operation or service pursuant to such notice except as otherwise ordered by the Commission pursuant to this paragraph, the laws or constitution of any State, or the decision or order of, or the pendency of any proceeding before, any court or State authority to the contrary notwithstanding. Upon the filing of such notice the Commission shall have authority during said thirty days' notice period, either upon complaint or upon its own initiative without complaint, to enter upon an investigation of the proposed discontinuance or change. Upon the institution of such investigation, the Commission, by order served upon the carrier or carriers affected thereby at least ten days prior to the day on which such discontinuance or change would otherwise become effective, may require such train or ferry to be continued in operation or service, in whole or in part, pending hearing and decision in such investigation, but not for a longer period than four months beyond the date when such discontinuance or change would otherwise have become effective. *However, if during the notice period, the carrier or carriers discontinue or change, in whole or in part, the operation or service of any train or ferry, the Commission shall retain jurisdiction to enter upon an investigation of the change or discontinuance and may require the immediate restoration or continuance of operation or service of such train or ferry until the expiration of the notice period.* If, after hearing in such investigation, whether concluded before or after such discontinuance or change has become effective, the Commission finds that the operation or service of such train or ferry is required by public convenience and necessity and will not unduly burden interstate or foreign commerce, the Commission may by order require the continuance or restoration of operation or service of such train or ferry, in whole or in part, for a period not to exceed one year from the date of such order. The provisions of this paragraph shall not supersede the laws of any State or the orders or regulations of any administrative or regulatory body of any State applicable to such discontinuance or change unless notice as in this paragraph provided is filed with the Commission. On the expiration of an order by the Commission after such investigation requiring the continuance or restoration of operation or service, the jurisdiction of any State as to such discontinuance or change shall no longer be superseded unless the procedure provided by this paragraph shall again be invoked by the carrier or carriers.

The CHAIRMAN. The next witness will be Mr. William Moloney, general counsel of the Association of American Railroads.

STATEMENT OF WILLIAM M. MOLONEY, GENERAL COUNSEL, ASSOCIATION OF AMERICAN RAILROADS

Mr. MOLONEY. My name is William M. Moloney, and I am general counsel for the Association of American Railroads.

The bill your committee is considering, S. 2711, as we understand it, is a bill that was intended to deal with and to correct a particular situation that arose as a result of the action of the Santa Fe Railroad in discontinuing certain passenger trains with respect to which they had filed notices with the Interstate Commerce Commission, but which trains were discontinued prior to the expiration of the 30-day-notice period.

The Commission, in that instance, held that the removal of those trains before the expiration of the 30-day-notice period vitiated the jurisdiction of the Commission.

I should like, Mr. Chairman, first to express one personal view, and by personal I mean purely and simply my own personal legal view as distinguished from the Association of American Railroads.

I think that the Commission's decision was wrong. I think the present law does give the Commission full power during the 30-day-notice period to institute an investigation and to require the continued opera-