

tion of the train. They can do that provided they issue an order to the railroad 10 days before the expiration of the 30-day-notice period.

These trains, if you will remember, were taken off while there was still more than 10 days of the notice period remaining. I think they could, under existing law, have directed the Santa Fe—well, they could have instituted an investigation and directed the Santa Fe to continue to operate the trains for 4 months while they held their investigation.

I suppose that might be an interesting question, but possibly an excursion into the past, because right or wrong, that is what the Commission held, and right or wrong, the trains did come off before the expiration of the notice period.

The bill that you have before you being aimed at that particular situation, we think would clarify the present situation if, as I said, it needs clarification at all. At the same time, in listening to the comments and the testimony of the Chairman of the Interstate Commerce Commission, I am very much impressed with the amendments he has suggested to you which should be made in substitution for the provisions of S. 2711. Those amendments are set out on page 16 of Chairman Tierney's testimony.

I think with those amendments substituted, S. 2711 would very clearly deal with the Santa Fe situation, deal with it in a realistic way, and would make clear the power of the Commission under those circumstances.

To the extent that other amendments have been suggested, either by the Chairman of the Interstate Commerce Commission or other amendments that might be suggested by other witnesses that deal with substantive changes in section 13a(1), then the position of the railroad industry is as we have expressed it many times before this committee, and very recently before Mr. Friedel's subcommittee:

We are opposed to any substantive changes in section 13a(1).

Summarizing my statement and the position of the industry, I think that if you took S. 2711 and if you changed it as has been suggested by the Chairman of the Interstate Commerce Commission and reported that bill out, you would have corrected the situation that you are attempting to deal with while at the same time you would not have gone into those very controversial areas that the other proposed amendments would invoke.

The CHAIRMAN. Thank you very much, Mr. Moloney.

Have you any questions?

Mr. FRIEDEL. No questions.

The CHAIRMAN. Mr. Cunningham?

Mr. CUNNINGHAM. No questions.

The CHAIRMAN. Mr. Moss?

Mr. MOSS. No questions.

The CHAIRMAN. Dr. Carter?

Mr. CARTER. No questions.

The CHAIRMAN. Mr. Kornegay?

Mr. KORNEGAY. No questions, Mr. Chairman.

The CHAIRMAN. Does anyone on the committee have any questions they would like to ask Mr. Moloney?

Mr. BROWN. I asked the Chairman of the Interstate Commerce Commission the question about the handling of freight cars. I would,