

its protest and complains against the discontinuance and hereby requests the Commission to institute an investigation pursuant to the provisions of Section 13a(1) to determine whether the public convenience and necessity permits the discontinuance of these trains and to require the continuance of operation of the trains pending hearing and decision subsequent to a conclusion of the investigation requested.

It is also requested that the Association be given notice of any hearings which may subsequently be held in this proceeding.

Very truly yours,

DONALD S. BEATTIE,
Executive Secretary.

APPENDIX 3

[Telegam]

CHICAGO, ILL., October 18, 1967.

W. H. TUCKER,
*Chairman, Interstate Commerce Commission,
Washington, D.C.:*

On October 6 Santa Fe filed notice with Commission of intent to discontinue Trains 7 and 8 effective November 9 operating between Chicago and Los Angeles. This train has been purely a mail and express run with a consist up to 45 cars of RPO cars, storage mail cars, express cars and one coach used primarily for train crew but used occasionally for convenience of local passengers in some areas, although not shown in published time tables. Relatively short advice of loss of mail prevented earlier filing of this petition. Now effective October 16 all mail and express is gone off this train leaving consist of only the locomotive and coach. There exists a technical question as to need of continuing 4,444 train miles of operation per day on an unproductive basis where all mail and express has disappeared from train and only revenue is the insignificant amount that comes from an average of less than one local passenger at coach rate per train mile.

Exhibit J (F.D. 24,774) in application shows this average for the first six months 1967 as 0.86 which of course is far less than the four-man crew required for entire distance between Chicago and Los Angeles. With a surplus of alternate transportation available to the very few patrons who might use the train, the expenditure of some \$10,000 per day is an outright waste in cost of transportation. There is no justification for continuing this unproductive expenditure for even an interim period between now and November 9 which would mean a total loss of almost one-quarter million dollars for the period involved. Our obligation to avoid waste and unnecessary cost of transportation strongly suggests that we annul Trains 7 and 8 for remainder of this period and as a matter of common sense we propose to do this unless we are required by insistence of regulatory authority to continue the unproductive operation of the last three days for no other reason than technical compliance with procedural provisions. We would appreciate the benefit of Commission direction in this regard as to whether you will insist on this operation pending consideration of application on which we urge prompt handling. (Orig: Chairman Tucker Copies: Secy. I.C.C. and I.C.C. Commissioners.)

E. S. MARSH,
*Chairman and Chief Executive Officer,
Santa Fe Railway Co.*

APPENDIX 4

MULHOLLAND, HICKEY & LYMAN,
WASHINGTON, D.C., October 24, 1967.

Mr. RICHARD BLOCK, Jr.,
*Assistant Deputy Director, Section of Opinions, Interstate Commerce Commission,
Washington, D.C.*

DEAR MR. BLOCK: On October 10, 1967, the Atchison, Topeka & Santa Fe Railway Company (Santa Fe) filed with the Commission a notice under Section 13a(1) of the Interstate Commerce Act proposing to discontinue trains nos. 7 and 8 operating daily between Chicago, Illinois, and Los Angeles and Bakersfield, California. The discontinuance was to be effective November 10, 1967. On October 19, 1967, the Commission determined not to enter upon an investigation of the proposed discontinuance and served the notice of its intention on October 20, 1967. However, the crews reporting for work on train no. 8, which was scheduled to leave Los Angeles at 12:30 a.m. October 20, 1967, were informed