

that the train had been discontinued. Train No. 7, which was scheduled to leave Chicago at 11:55 p.m., was discontinued on the night of October 19, 1967, or the night of October 20, 1967.

As a result of this precipitate action on the part of the Santa Fe, a large number of train and engine crewmen were deprived of their employment without notice of any kind.

It is the position of the Railway Labor Executives' Association that the Santa Fe is in violation of the explicit provisions of Section 13a(1):

"A carrier * * * may * * * file with the Commission * * * notice at least thirty days in advance of any such proposed discontinuance or change. The carrier * * * filing such notice may discontinue * * * any such operation * * * pursuant to such notice except as otherwise ordered by the Commission pursuant to this paragraph, * * *."

While Section 13a(1) is liberal in its permissiveness to railroads to discontinue passenger service, there is a clear 30-day restriction on the discontinuance of that service. This restriction is for the protection of the travelling and shipping public and the employees and may not be changed by a railroad regardless of its knowledge of the intentions of the Commission with regard to entering upon an investigation of the discontinuance.

Indeed, the Santa Fe has violated its own notice by discontinuing in nine or ten days rather than in the stated thirty days. The Santa Fe did not post a notice which said it would discontinue on November 10, 1967, unless informed at an earlier date that the Commission would not interfere with the discontinuance. The Commission's notice of October 19, 1967, served October 20, 1967, acknowledged the fact that the discontinuance was not to be effective until November 10, 1967, and no Commission permission to discontinue prior to that date can be read into its notice.

The Association respectfully requests the Commission to take immediate action to restore the service of trains 7 and 8 and require the continued operation of trains 7 and 8 in accordance with the provisions of Section 13a(1) and the Santa Fe's notice of discontinuance of October 10, 1967.

Since the notice filed by the Santa Fe is to be effective November 10, 1967, and since between 50 and 75 employees have had their jobs abolished by this violation of Section 13a(1) and will shortly commence the irreversible process of "bumping" in the exercise of their seniority rights, it is urgently requested that the Commission give its immediate attention to this most serious matter.

Sincerely yours,

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[Telegram]

APPENDIX 5

OCTOBER 27, 1967.

On October 10, 1967, Atchison, Topeka & Santa Fe Railroad Co. filed notices with the ICC under section 13a(1) of the Interstate Commerce Act stating its intention to discontinue trains numbered 7 and 8 and 3 and 4 on November 10, 1967. These notices were designated finance dockets Nos. 24772 and 24774. In apparent response to a telegraphic request from the Santa Fe the Commission issued a press release on October 19, 1967, stating that on October 20, 1967, it would issue a notice informing the public that it had determined not to enter upon an investigation of the discontinuance of Santa Fe trains numbered 7 and 8 and 3 and 4. The Santa Fe immediately discontinued those trains.

Said discontinuance violates the explicit provisions of sections 13a(1) which requires a railroad to post notices of discontinuance at least 30 days in advance of a proposed discontinuance and permits discontinuance only in accordance with the notices as posted and filed with the Commission. Santa Fe's notices stated the trains would be discontinued on November 10, 1967. They were in fact discontinued on October 19 and 20, 1967. Crews reporting to work on train No. 8 on October 19, 1967, were told that train No. 8 and the jobs thereon had been canceled. Train No. 3 was stopped in Amarillo, Tex., and canceled and the jobs thereon abolished. Train No. 4 was canceled on October 19, 1967. Train No. 7 was canceled on October 20, 1967. The jobs of approximately 100 employees were abolished without notice and some crews found themselves at the far end of their runs and had to wait until they could get transportation back to their home terminals.