

as one of general transportation importance; reverse the orders of October 31, and require the Santa Fe to restore service pending the filing of an additional 30-day notice which shall be complied with by Santa Fe.

Fourteen copies of this telegram have been filed with the office of the Secretary of the Commission this date in compliance with rule 101(4) of the Commission's rules of practice.

This telegram sent to each member of the Interstate Commerce Commission, Secretary Garson and Santa Fe Vice President Law Thomas.

Respectfully submitted.

WILLIAM G. MAHONEY,
Attorney for Railway Labor Executives' Association.

APPENDIX 9

RAILWAY LABOR EXECUTIVES' ASSOCIATION,
Washington, D.C., November 8, 1967.

HON. HARLEY O. STAGGERS,
*Chairman, Interstate and Foreign Commerce Committee,
House of Representatives, Washington, D.C.*

DEAR CHAIRMAN STAGGERS: This letter is written to you and the members of the House Committee on Interstate and Foreign Commerce to apprise you of a shocking situation involving the Interstate Commerce Commission and the Santa Fe Railroad.

On October 19, 1967, the Santa Fe filed with the I.C.C. notices to discontinue a pair of passenger trains operating between Los Angeles and Chicago and a pair of passenger trains operating between Kansas City and Gallup, New Mexico. These notices were filed under the provisions of Section 13a(1) of the Interstate Commerce Act which, as you know, requires at least a 30-day notice to the public before any interstate passenger train can be discontinued.

The notices stated that the trains would be discontinued on November 10, 1967. Shortly after filing these notices with the Commission, the Santa Fe sent telegrams to all members of the Commission requesting them to indicate as soon as possible whether they were going to investigate these discontinuances. On the afternoon of October 19, 1967, the Commission, apparently to accommodate the Santa Fe, took the unprecedented step of issuing a press release stating that on the following day it would issue a notice informing the public that it was not going to investigate or interfere with the proposed discontinuance of these trains. The Santa Fe discontinued them on October 19 and 20, 1967. Consequently, the public did not have 30 days' notice which the federal law requires and their notice contained, but nine and ten days' notice.

The Santa Fe discontinuances not only resulted in depriving travellers and shippers of the 30 days granted them by Congress, but also resulted in the abolishment of the jobs of approximately 100 crewmen of the Santa Fe. It deprived each of these employees of at least three weeks' work which they would have performed had the trains been discontinued on the thirtieth day rather than on the ninth and tenth days following the filing of the notices of discontinuance.

Attached is a photocopy of a telegram which counsel for the Railway Labor Executives' Association sent to each member of the Commission on October 27, 1967, regarding this matter.

The Commission did not respond to this telegram, but at 3:00 p.m. E.S.T. on October 31, 1967, Division 3 of the Commission, composed of three members, issued two identical orders holding the action of the Santa Fe in discontinuing the two pairs of trains to be *in violation of the 30-day notices of discontinuance* which that railroad had filed with the Commission and *in violation of 30-day notice requirements of Section 13a(1)*. However, instead of compelling obedience to the law by a railroad which had evoked Commission jurisdiction, the Division 3 orders conclude that a *railroad can unilaterally remove itself from Commission jurisdiction by violating the law*. Because the Santa Fe violated the law in prematurely discontinuing its trains, says Division 3, the Commission no longer has jurisdiction over the Santa Fe regarding the discontinuance of these trains. Copies of these orders are enclosed.

Immediately following the receipt of these orders, counsel for the Association again telegraphed each member of the Commission and reminded them that they had not acted upon or responded the Association's previous telegraphic request that the entire membership of the Commission take action in this matter. It was