

So that language is meaningless to keep the jurisdiction in the Commission. The Commission's second suggested language modification, however, which appears at the bottom of page 2 and the top of page 3 of the appendix is the language which apparently the Commission intends to provide them with jurisdiction.

It is not effective. It isn't effective for this reason: It only permits, it doesn't require, the Commission to make the carrier restore service when it has violated the law. It permits the Commission to require the carrier to restore service when it violates the law. It permits them to do this until expiration of the notice period.

Suppose the Commission issued a notice, as it did in this case, and as it does in many cases. Very early in that 30-day period they get the statement in and in 10 or 15 days they say, "We won't investigate," and they issue a notice they will not investigate, and the carrier waits 21 days.

After 20 days the Commission has no longer any authority under the present law, or even as the Commission would amend it, to require the carrier to keep that train on. After 20 days the carrier can take it off, even if the Commission is investigating it, and then the Commission, after investigation, can require it to be restored.

So the carrier waits 21 days and takes the train off. The most the Commission can do is to require the carrier to keep the trains on until the end of the 30 days and then the carrier can take it off again.

So the Commission's suggested language changes are virtually worthless from the point of view of protecting the public. That is my opinion from reading the Commission's suggestions rather quickly this morning.

This is the Commission's proposed amendment. The only way it can be done, I think, is the way the Senate committee did it in S. 2711. You keep that train on until the Commission issues an order permitting them to take it off. That is a very simple order to issue, if the Commission is convinced it should come off. That is the way it should be done.

I don't understand why the Commission has so timidly approached the problems created by section 13a(1), but I am not privy to their consideration. They may have good reason, but I have not seen them expressed in their statements.

Mr. KYROS. I would also like to commend Mr. Mahoney. This is a complex question. He has made one of the clearest statements I have heard as set forth in his statement of position and facts on what occurred.

Mr. MAHONEY. Thank you.

The CHAIRMAN. Mr. Skubitz?

Mr. SKUBITZ. Under existing law, 13a(1), is it your position that once the railroad files, that it can do nothing for 30 days? Is this the point you are making?

Mr. MAHONEY. The railroad can do nothing for 30 days; that is right.

Mr. SKUBITZ. It can do nothing until the Commission rules?

Mr. MAHONEY. That is right.

Mr. SKUBITZ. Then what does this mean—I am taking it from your statement on page 9—"that the carrier filing such notice may discontinue any such operation"?