

this subsection shall receive such allowances for travel and subsistence expenses as the Commission shall provide. A substitution of membership upon a joint board from any state may be made at any time by the certification of a successor by the state commission and recognition of the successor by the Commission.

"(c) The petitioner shall have the burden of proving the allegations of the petition. If, after hearing, the state joint board finds that public convenience and necessity do not permit the proposed discontinuance or change, in whole or in part, and that the continued operation or service of such train or ferry without discontinuance or change, in whole or in part, will not unduly burden interstate or foreign commerce, the state joint board may by order require the continuance of operation or service, in whole or in part, subject to such terms, conditions, and modifications pertaining to operations or service as it shall find to be reasonable and just, for a period not to exceed one year from the date of such order. Otherwise, the state joint board shall by order permit the discontinuance of operation or service of such train or ferry, in whole or in part, to become effective seventy days after the date of the order. The state joint board shall immediately certify its findings and order to the Commission and shall serve a copy thereof on the petitioner and each intervenor in the case. On the expiration of an order of the state joint board after such investigation requiring the continuance of operation or service, the jurisdiction of any State as to such discontinuance or change shall no longer be superseded unless the procedure provided by this subsection shall again be invoked by the petitioner.

"(d) Within thirty days after the date of such findings and order by the state joint board, an aggrieved party may appeal same to the Commission. On appeal, the Commission shall review the record of the proceeding before the state joint board and correct any legal errors found therein. The Commission shall be bound by the findings of fact made by the state joint board if supported by evidence. The Commission shall decide the appeal within thirty days after the date of appeal.

"(e) If the state joint board fails to issue its findings of fact and order in the proceeding within one hundred and fifty days after the date of the Commission order showing the membership of the board and appointing a time and place for convening, the petitioner then, and only then, shall be entitled to pursue the remedy prescribed in subsection (1) of this section for obtaining such discontinuance of or change in operation or service of the train or ferry.

"(f) As used in this subsection: the term 'state commission' shall mean the state commission, board or official engaged in the regulation of railroad rates and services, or if none, the governor of the state; and the term 'state' shall include the District of Columbia."

The CHAIRMAN. You have certainly summarized it very quickly. I want to compliment you.

Mr. Kyros?

Mr. KYROS. No questions.

The CHAIRMAN. I have no questions, but I might ask you the same question I have asked the others.

Mr. RODGERS. I have heard the question and my answer is "Yes," Mr. Chairman.

The CHAIRMAN. I have one other question, if you don't mind.

On page 4 of your statement you say that the Interstate Commerce Commission decision in the *Santa Fe* case, that the railroad's taking off its trains vitiated the Commission's jurisdiction and reexposed the Santa Fe to the requirements of the State law could well be adequate to cope with the problem which S. 2711 seeks to solve. You continue that you see little value in S. 2711.

In view of the fact that the matter is now in State hands and not before the Interstate Commerce Commission, would you indicate to us just how many of the regulatory bodies of the eight States through which these trains ran have now issued orders requiring the reinstatement or reinstitution of the trains?

Have they gone to the courts to seek an injunction or otherwise taken action to exercise their jurisdictions?