

ICC and the time it takes to dispose of them, or your past history on disposition of these petitions? Can you give us that information?

Mr. TIERNEY. We can do it right now.

Mrs. HECKLER. Please submit it for the record.

Mr. TIERNEY. Surely.

(The information requested follows:)

Total number of cases (including rate cases) on hand Mar. 31, 1968-----	5, 207
Average time required for disposition during fiscal year 1967 (months)---	8. 7

Mr. TIERNEY. I might say there are roughly 5,200 cases pending before the Commission now, and our average time in disposing of them is 8 months.

Mr. THOMPSON. Is your caseload increasing?

Mr. TIERNEY. It has been decreasing for a variety of factors. The numbers are less, but at the same time the cases are becoming more complex and difficult.

Mr. THOMPSON. May I ask a question?

Back in 1940, we in Georgia, of course, were very upset by discriminatory rail rate structures primarily against the South. It would cost much more to ship a machine item to the North than it would to the South, and that was taken care of.

As I understand it, there is discrimination that takes place with regard to the division between several rail carriers in the money that is paid for a shipment. If something originates in Detroit and it is shipped to Dothan, Ala., for example, and several rail carriers have to handle it, the southern carriers tell me that they are not receiving a pro rata portion for the work they are doing. Do you know anything about this?

Mr. TIERNEY. There is a North-South divisions case pending before the Commission. I think that is in court now.

Mr. THOMPSON. Former Governor Sanders of Georgia is the attorney in this matter. Why does this exist? What is the rationale for paying more money to a northern carrier than to a southern carrier? It doesn't affect the shipper, the shipper can ship for the same price; it is simply a division of the money between the carriers.

What is the rationale on that, sir?

Mr. TIERNEY. Whether or not there is discrimination, of course, in a case like that is a question of fact. That was the question before the Commission in this case. We look at all of these aspects in these cases, and we come to a conclusion as to what is a fair division. And as in all these cases where we have East-West or North-South divisions, the carriers generally settle these matters themselves as a voluntary matter. If there is a dispute involved, under the act, the Commission has the authority in effect to decide the case to determine what are fair, reasonable, and nondiscriminatory divisions.

In these cases we have found that large amounts of money are involved. Irrespective of which way the Commission goes, it is generally appealed to the courts.

Mr. THOMPSON. Is it your testimony that when your agency becomes involved in this you attempt to have a distribution of the dollars involved on an equitable basis between the carriers dependent upon the amount of work they do and the number of miles over which the item travels on rails?

Mr. TIERNEY. That is correct.