

afford. The quality and quantity of that service are deteriorating. The forces underlying this trend grow stronger. Present programs—public and private—cannot reverse this decline. And we do not believe that any significant action will be taken until a consensus is developed on whether a national intercity rail system is needed. The national ambivalence toward the problem not only fosters inaction and inconsistency in governmental policy, but it encourages railroads to continue the present trends.

Members of the committee, I will outline in numerical order for you what the bill before you, H.R. 18212, will do and why we who bear the responsibility for the public interest feel it is imperative that this bill receive prompt attention by the Congress this session. H.R. 18212 is composed of two sections. Section 1 of this bill contains, in modified form, the recommendations made by the Commission in H.R. 7004 to amend section 13a and our suggested alternative to Senate-passed S. 2711 which were contained in my testimony before this committee on February 20, 1968. Section 1 also has two more amendments which we believe are desirable as a result of our study of railroad passenger service. Section 2 of this bill sets forth our proposal for a study of railroad passenger service.

The provisions of H.R. 18212 are identical to the draft bill contained in appendix L of our report. The Committee may, therefore, find it helpful to refer to the draft bill since all of the changes in the existing law are underlined for ease in reading. These provisions are also described and explained on pages 59-65 of our report.

In essence, the changes made in section 13a by section 1 of this bill fall into six major categories. First, there are a number of procedural and minor jurisdictional changes in present section 13a(1) such as changing the notice from the present 30 to 60 days, changing the time within which the Commission must complete its investigation and issue an order from 4 to 7 months with provisions for an additional 2 months if required to dispose of a petition for reconsideration, and clarifying the Commission's jurisdiction over trains operated physically between points in two or more States or a point in a State and a point in a foreign country. All of these provisions are similar to those in H.R. 7004. Second, like our 1967 proposal, H.R. 18212 imposes the burden of proving that a train or trains is not required by the public convenience and necessity and that its continuance will unduly burden interstate and foreign commerce on the carriers. In response to objections to this provision made in the earlier hearings by the carriers and others, we have included a new sentence on lines 5-12 of page 4 of H.R. 18212 which requires the Commission to make specific findings in terms of the burden of proof and issue an order permitting discontinuance where it determines that carriers have met their burden of proof.

Third, H.R. 18212 incorporates our previous suggestions to deal with the problem of a carrier discontinuing a train before the expiration of the notice period which we believe are more workable and efficient than Senate-passed S. 2711 on the same subject. These suggestions include the insertion of the words "but not during" on line 12 of page 2 and the addition of the sentence beginning with "However" on lines 13-19 of page 3.