

would add flexibility to meet changing conditions. It would also avoid the difficulties and controversies attendant to predesignating certain routes and areas as essential without the benefits of accurate traffic data as well as the rigidity implicit in this approach.

A similar proviso is included to permit the discontinuance of service that impaired the ability of the carrier to discharge its common carrier obligations. The prospects that this exemption would be applied are slight. However, the present marginal condition of some carriers does not guarantee that such a situation could not arise and the proviso, therefore, appears warranted.

If none of these exceptions are found to apply and the continuance of the last remaining trains is thereby ordered, item 7 also provides that the railroads must furnish a reasonable quality of service for these trains.

Finally, the third proviso of item 7 eliminates the present option for a railroad to seek discontinuance under section 13a(1) or applicable state law for its last regular service between two points. Since 1958, the discontinuance of some interstate train service has been accomplished without prior recourse to either a state agency or the Commission because of a lack of applicable state law upon which jurisdiction under