

In other words, they could, at the end of the notice period, stop the train in any event, whether you liked it or disliked it?

Mr. TIERNEY. No. At the end of the notice period, the statute would remain the same in that sense, Mr. Adams. We are now required under the statute 10 days prior to the expiration of the notice period to issue a notice that we are going to investigate the case. That order, in effect, would stay the discontinuance of the operation for a period of 7 months while we conducted our investigations. Under this bill we would have 2 additional months to take care of petitions for reconsideration.

Mr. ADAMS. At the end of that period, they could discontinue anyway?

Mr. TIERNEY. They could discontinue if we make a finding that the public convenience and necessity did not require the train and it would be an undue burden on interstate commerce.

Mr. ADAMS. You do not make such a finding, or they appeal which is under section 6, and the matter goes into the courts, and you are, I assume, trying to correct the Santa Fe situation where they shut the train down, even though you were in the hearing process, or the investigative process. Now are you telling me, that during the 7-month period plus the 2-month period, it should not be shut down. Your planning is at the end of that period of time——

Mr. TIERNEY. That it should be continued.

Mr. ADAMS. That it should be continued.

Mr. TIERNEY. Yes, sir.

Mr. ADAMS. Right. Now, during that period of time, you have drafted this so they could not shut it down during the period while you were making a decision?

Mr. TIERNEY. That is right.

Mr. ADAMS. Is that correct?

Mr. TIERNEY. That is correct, sir.

Mr. ADAMS. Now suppose at the end of that 7-month period you say "We don't believe it should be shut down under 13a."

Mr. TIERNEY. Right.

Mr. ADAMS. At the end of that period, can they shut it down?

Mr. TIERNEY. No, sir.

Mr. ADAMS. As I understand it, they just go back on State jurisdiction at that point. In other words, your jurisdiction, doesn't it terminate at the end of the period of time in which you had made your finding?

It did under the original act, as I remember it.

Mr. TIERNEY. We can require the continuance of the train for as long as a year. The carriers would have to continue that train the required period. So, in effect, that period is within our jurisdiction.

Mr. ADAMS. At the end of the year period, then they can shut it down?

Mr. TIERNEY. Then, it goes back to the States or to the Commission.

Mr. ADAMS. Then it goes back to the States?

Mr. TIERNEY. That is correct, sir.

Mr. ADAMS. In other words, if they made up their minds to shut it down and you say "You should not shut it down." You go through all of the procedures under this, at the end of the of the year's period, if they have still made up their minds to shut it down, they can shut