

"I am going to shut down three of those trains, and from now on you are only going to be able to catch one passenger train from New Orleans to Los Angeles. Get rid of the other three." These are interstate.

Mr. TIERNEY. Yes, sir.

Mr. ADAMS. And he wants to do that.

The other question I am going to ask you afterward is: When you get down to that last train, he says "OK, we are not going to have any more train service from New Orleans to Los Angeles."

I want to know under this bill what the ICC can do. I understand now segments within States, but are you telling me if Texas decides they will let them shut down the segments going through Texas, when a man gets on the train in the morning then finds one of those three segments is shut down in Texas, is he going to be dropped someplace in Texas and have to catch another train which will be the last one coming through, which goes to Los Angeles?

Mr. TIERNEY. That is correct.

Mr. ADAMS. All right. Now, I understand.

At the end of the 1 year period you have no jurisdiction at all.

Mr. TIERNEY. No, sir; unless the carrier reapplies to the Commission.

Mr. ADAMS. So, any State they can persuade to cut out a section some place in the country, then the interstate trip will be cut.

Now, you get down to the last train. In other words, there is only one train now left to go from New Orleans—or let's take my part of the country, to go from Chicago to Seattle, there is one left.

Mr. TIERNEY. Yes, sir.

Mr. ADAMS. Now, they say "OK, we want to shut that down." And you say, "No, you shouldn't," under this bill.

Mr. TIERNEY. That is correct, sir.

Mr. ADAMS. The year period runs.

Mr. TIERNEY. That is right.

Mr. ADAMS. All your time runs.

Mr. TIERNEY. That is right.

Mr. ADAMS. And they still say "We are going to shut it down."

Mr. TIERNEY. They still have to come back to us.

Mr. ADAMS. That is what I want to know.

Mr. TIERNEY. Yes, sir; they have to come back to us.

Mr. ADAMS. Under this bill.

Mr. TIERNEY. Under this bill.

Mr. ADAMS. They cannot shut down the last transcontinental train without your specific permission.

Mr. TIERNEY. That is correct, sir.

Mr. ADAMS. Thank you, sir.

Mr. FRIEDEL. Will you yield?

Mr. ADAMS. Yes.

Mr. FRIEDEL. Let me ask you this question: Under this bill, who would have the burden of proof, the railroads or the ICC?

Mr. TIERNEY. The railroads.

Mr. FRIEDEL. Under the present authority it is on the ICC; is that correct?

Mr. TIERNEY. Under the present law there is no statement as to on whom the burden of proof falls.