

Mr. TIERNEY. The study would not form the basis of any of our legislative recommendations in section 1 of this bill.

Section 1 is not dependent upon a study. The purpose of the study is to determine what this country's policy with respect to an intercity passenger train system should be. The extension of the time, the judicial review, et cetera, that is in no way dependent upon the study at all. The last train provisions are designed as interim measures during the duration of the study.

Mr. WATSON. I conclude with this: I think the whole picture should be wrapped up in a further study, that we should spend a little more time in thinking about this. I have invariably found that we have more problems when we act in haste rather than making a careful study. Too often we come up with a policy after making the study rather than having one policy and then studying it to see whether or not the policy is applicable to the conditions.

Mr. TIERNEY. The proposed changes in section 1 of the bill Mr. Watson, are in effect what I might describe as a stopgap measure, pending the study and pending a determination as to where we feel we ought to be going in a city passenger service.

Mr. ADAMS. Will the gentleman yield?

Mr. WATSON. Yes, sir.

Mr. ADAMS. Mr. Watson has pointed out the jurisdiction of the State areas here, and I have finally found in the bill where you say "Exclusive jurisdiction"—which is on page 5. But I notice that this will apply only to those cases where the first and second provisos apply.

Looking at the first and second provisos, which are on pages 4 and 5, it seems to me that these only come into effect when the carrier has made an application. So, I would ask you the question: If a carrier does not make an application, but instead goes to the State commissions and starts to stop these last trains by segments, which gets to a point where there is not any last train, do you ever get jurisdiction at all? Does your exclusive jurisdiction ever come into existence?

Mr. TIERNEY. I think so; on the last train?

Mr. ADAMS. How does it come into existence, if the carrier has not filed under 13a?

Mr. TIERNEY. He can't discontinue it, unless he files it.

Mr. ADAMS. Suppose he goes to a State commission.

Mr. TIERNEY. He can't, sir, because this would give us exclusive jurisdiction.

Mr. ADAMS. No, because the exclusive jurisdiction provision says that the jurisdiction of the Commission over operations is tied to the first and second provisos on page 1 of the bill which says "When a carrier or carriers subject to this act," and then on page 2, "file for a discontinuance."

Mr. TIERNEY. I think the first and second provisos we are referring to there are "provided, however," in the proviso, page 4, line 18, and the second one, "provided further," on page 5, line 10. In other words, the exclusive jurisdiction, Mr. Adams, would apply in those cases to the first proviso involving the last train.

Mr. ADAMS. Even though the carrier has not filed such a notice.

Mr. TIERNEY. For example, if this legislation were passed the carrier would have to file a notice with the Commission before he could dis-