

continue the last interstate train, because we have exclusive jurisdiction.

Mr. ADAMS. Well, if you say so, I will believe you.

Mr. TIERNEY. This is certainly the intention.

Mr. ADAMS. Remember 13a's whole gravamen was to allow carriers to file with the ICC to get out from under State commissions, and, now, as I understand it, you are down to the point where you have hardly got anything left throughout the country anyway, and so a lot of State commissions which, in the past, have automatically opposed these things may now approve them because the only service you have left is inadequate and of no local interest. For example, through South Dakota or through portions of Montana if the only train that comes through at 3 a.m. in the morning, or maybe 11 o'clock at night. The local commission may have lost interest in whether or not it should be considered.

They no longer have an interest in that section, and they say "We will discontinue," so the traveler from Chicago finds there is no segment through the Dakotas and could end up with a segment missing in a line so he can't get through at all. You would never see it because they have never filed for a discontinuance with you. They just go to the State commission and they say "We want to discontinue that 3 a.m., in the morning train." If you tell me you have the jurisdiction, I will believe you.

Mr. TIERNEY. As we say here on—

Mr. ADAMS. You say on page 5, at line 18—this is where your exclusive jurisdiction comes in.

Mr. TIERNEY. That is right, sir.

Mr. ADAMS. The two prior provisos, line 18, page 4, and line 10, page 5, both of those hook into a carrier having filed for a discontinuance.

Mr. TIERNEY. That is right, sir. Under the wording here, the carrier would have to file notice with us for discontinuance, and the authority to permit this discontinuance would reside solely within the Interstate Commerce Commission; yes, sir.

Mr. ADAMS. You tell me, on the others, you have provided by another proviso in section 6 for the last intrastate train and you have no jurisdiction over that train. You provide that at the end.

What I am telling you is that with a segment that is totally within the Dakotas and they come in to the Dakota Commission and say, "We want to shut it down," and they never file with you to come in under 13a at all, and they shut down that segment, you have got a piece missing out of the interstate system. If you tell me that that can't be done—

Mr. TIERNEY. Not on the last train, that is right, sir.

Mr. ADAMS. And we will put it in the report, I will believe you, but I do not find it in the statute.

Mr. TIERNEY. I tell you that, sir.

Mr. ADAMS. I am sorry I took so much of your time.

Thank you, Mr. Watson.

Mr. FRIEDEL. Mr. Watson?

Mr. WATSON. I have no further questions.

Mr. FRIEDEL. Thank you, Mr. Tierney.

Mr. TIERNEY. Thank you very much, sir.