

Mr. FRIEDEL. Our next witness will be Mr. A. Scheffer Lang, Administrator, Federal Railroad Administration, Department of Transportation.

Mr. Lang, you may proceed.

STATEMENT OF A. SCHEFFER LANG, ADMINISTRATOR, FEDERAL RAILROAD ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

Mr. LANG. Thank you, Mr. Chairman and members of the committee. I have a prepared statment which I would like to read.

My name is A. Scheffer Lang. I am Administrator of the Federal Railroad Administration which is part of the Department of Transportation. On behalf of the Department, I wish to thank the committee for this opportunity to present our views on H.R. 18212, a bill to amend section 13a of the Interstate Commerce Act, to authorize a study of essential railroad passenger service by the Secretary of Transportation, and for other purposes.

This bill combines amendments proposed in legislation already before the committee (H.R. 7004), proposals included in a Senate bill (S. 2711), and provisions which the Interstate Commerce Commission has suggested "to reflect the testimony offered on these bills by the railroads and other parties in the course of the hearings."

The provision derived from H.R. 7004 would amend section 13a(1) by limiting its application to passenger trains and ferries; changing the Interstate Commerce Commission's initial jurisdiction over service between points in the various States to include points in a foreign country; requiring the carriers to file a notice of discontinuance 60 days in advance of the effective date rather than the present 30 days; increasing the present 4-month period during which a proposed discontinuance can be suspended to 7 months—with a provision for an additional 2 months when required; imposing the burden of proof on the carrier to show that continued operation of the service is not warranted by the public convenience and necessity and that continuance would be an undue burden on interstate commerce; and clarifying the right of the public to seek judicial review of a Commission discontinuance decision. Other provisions derived from H.R. 7004 would change section 13a(2) regarding appeals by the carriers from action or non-action by a State agency.

The provision derived from S. 2711 prevents a carrier from unilateral discontinuance of a service prior to the expiration of the notice period.

There are also three new proposals included in H.R. 18212:

1. That the carrier or carriers proposing a discontinuance must post a notice to this effect on the property of carriers other than those proposing a discontinuance where the train or trains are part of a joint service.

2. That for 2 years following enactment, where any trains proposed to be discontinued are the last remaining in either direction between two interstate points by the carrier proposing such discontinuance, the Commission shall require the continuance of the service for 1 year from the date of its order unless it finds that (a) the public con-