

state Commerce Commission today has full power and authority to require the continued operation of that service. However, as your committee pointed out in the report that I have referred to, where passenger service cannot be made to pay its own way because of lack of patronage at reasonable rates, abandonment seems called for.

In such a situation, that is, where the passenger service or a particular passenger service cannot be made to pay its way because of lack of patronage at reasonable rates, we feel that that service should be eliminated and such elimination should not be subjected to delay and to more difficult provisions of law that would saddle the railroad with the continued operation of that losing service. And yet this delay and difficulty and cost in the elimination of that service is exactly what H.R. 18212 would bring about.

Many of the provisions of H.R. 18212 are identical or similar to H.R. 7004, or other bills that this committee has had hearings on and at which we have testified. And consequently it is impossible for me to avoid some repetition. I will try to hold it to a minimum in my discussion of the bill.

Dealing first with the more substantive changes that would be made in the existing law by the provision of H.R. 18212, I point to the fact that the present law requires a 30-day notice period of the proposed discontinuance of a passenger train, interstate passenger train.

Now, the previous bill, H.R. 7004, would have increased that notice period from 30 days to 40 days. The present bill, 18212, would increase the notice period from 30 days to 60 days. This doubling of the notice period, in our opinion, means nothing except further delay in the disposition of a train discontinuance case. It is entirely unwarranted and we have heard nothing presented to this committee by the Interstate Commerce Commission in support of that particular provision or in justification of the delay that would take place.

Another provision of H.R. 18212, that is identical with or substantially the same as H.R. 7004 is the one that would authorize the Commission, pending investigation, to require the continued operation of a train for a period of 7 months, rather than the present 4 months, and then would provide that the Commission could further require the train's continued operation for an additional 2 months. The end result of this, in our opinion, is simply more delay in the disposition of train discontinuance cases and we think no real support for this provision has been submitted to the committee.

In my testimony on H.R. 7004, in discussing this feature, I pointed to the fact that if any extension of time were going to be granted to the Commission, that certainly it should be confined to what might be termed the then unheard of case, to wit, a case that the Commission's witnesses said they might be confronted with at some future time. An unusual situation.

In his testimony before this committee on H.R. 7004, the then Chairman of the Interstate Commerce Commission, Commissioner Tucker, admitted that the present time requirements are entirely adequate for the normal case. He did refer, however, to some possible situation that the Commission might be confronted with in the future as justification for this particular proposal. But we feel that there has been no justification of the proposal and that it would be unwise and that it would