

that train off until the Commission has disposed of that proceeding, and only then.

In other words, I see no room for this 7 months and an additional 2 months and matters of this kind which we would find in section 13a(1) under H.R. 18212. I find no room for those provisions insofar as 13a(2) proceedings are concerned.

Why tell the Commission you can order the train to operate for 7 months or an additional 2 months, if the railroad has to operate the train until the Commission tells the railroad it can quit?

So I begin to wonder, and this may be the case. Is the Commission's proposal one that would place a time limitation on section 13a(2) proceedings? And if it is then, of course, we would think it would be a step in the right direction. But for the life of me, and being very frank with the committee, I don't think that is what the Commission intended in its proposed legislation. But I am hard put to reconcile or to interpret and to apply this provision of H.R. 18212 that I have just mentioned; that is, the idea that section 13a(2) petitions will be governed by section 13a(1).

Now, H.R. 18212 would also, as would have H.R. 7004, add a new section 13a(3). It would provide that any person adversely affected or agrieved by an order of the Commission would have the right of court review, and that such review would be obtained under the procedures applicable to the review of other orders of the Interstate Commerce Commission.

As I pointed out previously to this committee, we think it is safe to assume that if such provision becomes law, that every train off case would go to court. So we would then be talking about the length of time that it would be pending before the Commission, which this bill would greatly extend, then we would be confronted with court review in every instance. In our opinion, it would be in every instance. And the further delay—and I pointed out then I see no reason to have any different view now—that that delay would run for months or a year or a year and a half or 2 years.

Indeed, yesterday the Chairman of the Interstate Commerce Commission stated that the Commission's present authority, if any, to tell the railroads how to run passenger train service, had never really been tested in court. And one reason they were urging this bill was that a court test would take too long, and I think he referred to a year and a half or 2 years, and that that was too long a period of time. Yet we find that this very bill in providing for court review would subject the individual train off proceeding to that same period of time that the Commission found to be extremely long in disposing of a jurisdictional matter. We think no case really has been made for it. We are, as I have said, opposed to this provision as well as others that I have mentioned.

I also pointed out that the court review provision will, let's say, take the heat off the local authorities to really do something to solve their local problems with respect to passenger transportation and passenger trains transportation in particular, because it would simply mean that the local authority could force the continued operation of the train, and being able to force the continued operation of the train would be less likely to bestir itself in seeking a solution.

H.R. 18212 also has a provision about the posting of the notice, and