

losing nature of the particular service being performed, the matter will be taken to court and it is most likely that the train will continue to operate indefinitely while the judicial processes are exhausted. Such an amendment is not designed, as is the present statute, to exert pressures upon public authorities to find solutions for the problem posed by a service allegedly needed by the public but which cannot be made to pay its way. Indeed, I have the feeling that public authorities, knowing they could through judicial processes keep the train in operation for an indefinite period of time, would be much less likely to exert themselves in an effort to find the needed solution.

H.R. 18212 would also provide that the notice of a proposed discontinuance by a particular carrier must be posted in every station, depot or other facility served by the train, including stations, depots or facilities on the property of other carriers which share in the operation of said train. While we appreciate the purpose of this provision in attempting to give more widespread notice of the proposed discontinuance, it does raise serious problems and difficulties. The noticing carrier has no control over the property of another carrier even though the latter carrier does share in the operation of the train. If such posting requirement is to be seriously considered it should not be an absolute requirement insofar as the noticing carrier is concerned and terms qualifying this posting requirement should be included.

H.R. 18212 would make two further amendments to Section 13a. The first would amend the section so as to cover a train operating to or from a point in a foreign country. Assuming that the jurisdiction of the Interstate Commerce Commission would apply only to that portion of the operation of the train conducted within this country, there would appear no particular objection to this amendment.

The other and last mentioned amendment would provide that if a carrier, during the notice period, discontinued the train the Commission would retain jurisdiction to enter upon an investigation and to require the immediate restoration or the continuance of operation until expiration of the notice period. We believe the Commission has today, under the existing law, the authority that would be provided by this amendment and we deem the amendment wholly unnecessary. The present law provides that, upon the filing of a notice and during the notice period, the Commission shall have jurisdiction to enter upon an investigation and, having done so, to require the continued operation of the train for a period of four months. It is the duration of the notice period that governs the jurisdiction of the Commission and not the existence of the train operation.

Summarizing with respect to H.R. 18212, we submit that no substantial case has been made to your Committee justifying the amendments such bill would make to the present law. The end result of the bill would be to make it more difficult and costly to eliminate unneeded and losing passenger train service and to certainly prolong for an indefinite period of time the continuation of such service. In the meantime, the financial burden upon the railroads would continue and, in all likelihood, will mount. The railroad industry is strongly opposed to Section (1) of H.R. 18212 and, for the reasons I have stated, we urge this Committee to take no action on those proposals.

Section (2) of H.R. 18212 would authorize and direct the Secretary of Transportation, acting in cooperation with the Interstate Commerce Commission and other interested Federal agencies and departments, to undertake and submit, within one year after the date of enactment of the bill, a study of the existing and future potential for intercity railroad passenger service in the United States to the Committee on Commerce of the Senate and to the Committee on Interstate and Foreign Commerce of the House of Representatives. The bill enumerates six particular matters that the Secretary shall consider, among other things, in making such study. We have no particular objection to such a study and note that it would include all passenger transportation needs by all modes of passenger transportation. We think that those conducting the study should not be limited to Federal agencies and departments but should include all modes engaging in the intercity transportation of passengers. If such study should be undertaken it would be our intent and purpose to fully cooperate. However, I must emphasize, as did Mr. Goodfellow, that the proposal of such a study or even the conducting of such a study should not be made the occasion or the vehicle for restrictive or burdensome statutory provisions that would make it more difficult or costly to eliminate unneeded and losing passenger train services.