orders—excepting those involving only the payment of money—from a three-judge district court to the U.S. courts of appeal.

The existing procedure for review by three-judge courts has been followed since 1913. The members of my association are of the view that this procedure has worked well. We are aware of no substantial complaints concerning this basic procedure.

Presently, a party dissatisfied with a Commission order may bring an action to set it aside in the district court for the district in which he resides. Not only are these courts generally nearer the home of the complaining party and the office of his counsel, but also proceedings therein are relatively inexpensive.

Transference of jurisdiction to the courts of appeal will necessitate in many more cases the retention of additional counsel, and will entail substantial additional costs resulting from the necessity of printing briefs and appendixes containing pertinent portions of the record made before the Interstate Commerce Commission. Such printing is not generally required in the district courts. The matter of expense is an important factor when the average motor carrier is concerned.

As of June 30, 1967, there were subject to the jurisdiction of the Interstate Commerce Commission more than 16,000 motor carriers, scattered throughout the United States. Of these, less than 1,700 are class I carriers; that is, carriers having annual operating revenues of $1 million or more. About 11,500 have annual operating revenues of less than $200,000. With businesses of this size, it is apparent that many will be unable to afford to undertake the more expensive procedure provided for in this bill—even though they may have a legitimate grievance which merits judicial review.

So far as members of my association are concerned, I am sure that we would encounter many instances wherein we would have to advise our clients against an appeal because of the costs involved, even though we might feel optimistic about the chances of success.

The association also is concerned over the proposed change in procedure in respect of temporary restraining orders.

Under existing law—28 U.S.C., section 2284—a district judge may grant a temporary restraining order to prevent irreparable damage. When necessary, upon proper showing, such an order may be obtained very quickly. In the subject bill, no provision is made for the granting of such a restraining order by a single judge.

Such action would have to be taken by the court, and a formal hearing would be required, after the giving of "reasonable notice" to the Commission and the Attorney General. There are occasions when orders of the Commission are made effective immediately and where appropriate protection of a litigant requires most prompt action. It is questionable whether under the provisions of this bill adequate remedy would be afforded in such emergency situations.

In conclusion, it is the position of the Motor Carrier Lawyers Association that enactment of H.R. 13927 would make more cumbersome, rather than simplify, the judicial review of orders of the Interstate Commerce Commission; that it would add unnecessarily to the expense of obtaining judicial review, and thus, in many cases, make the seeking of judicial review prohibitive, regardless of the merits in particular cases.

The CHAIRMAN. Thank you, Mr. Baker.