

trade. The League's membership includes shippers and receivers of all types—small, medium and large—which are located throughout the United States. The League has previously appeared before your committee and other congressional committees and presented its views on pending legislation of particular interest to its membership.

S. 2687 was introduced November 22, 1967, upon the request of the Interstate Commerce Commission. Similar legislation has been requested by the I.C.C. in other sessions of Congress. However, final congressional action was never completed. The main objective of S. 2687 would be to provide for judicial review of I.C.C. orders by the U.S. Courts of Appeal. Presently orders of the Interstate Commerce Commission are reviewed by three-judge courts specially constituted from the ranks of the District Courts and the U.S. Courts of Appeal. The changes proposed in S. 2687 would be beneficial to members of The National Industrial Traffic League and the shipping public at large in that it would enable them to avoid the extraordinary and unwieldy procedure presently in existence. Such procedure does not fit in with the normal business of the District Courts and the Courts of Appeal. Additionally, the present procedure involves difficulty and delay in convening special courts and is not conducive to efficient administration. On the other hand, the several U.S. Courts of Appeal are intimately familiar with the basic process of judicial review.

In making the above observations, the League wishes to make it clear that it is in no sense being critical of the substantive decisions of the present three-judge statutory U.S. District Courts.

The National Industrial Traffic League's policy on judicial review provides: "The Courts of Appeal should be given exclusive jurisdiction to review Commission orders." This policy has been in effect since 1961.

Uniformity is an additional important benefit which would result from enactment of S. 2687. Orders of the other federal regulatory agencies including the Federal Maritime Commission and the Civil Aeronautics Board are presently subject to review by the U.S. Courts of Appeal. The Courts of Appeal also have jurisdiction under the prevailing statutes over the other federal regulatory agencies. It is the League's view that uniformity on this subject would be most desirable. According exclusive jurisdiction to the Courts of Appeal initially to review orders of the Interstate Commerce Commission would permit adequate and reasonably expeditious review and would eliminate the unwieldy and less efficient procedure now provided.

There are several other provisions of S. 2687 which will be beneficial to shippers. These include: (1) naming the Commission as respondent in the proceeding; (2) serving notice of appeal on all parties; (3) limiting the time for serving the notice of appeal; (4) providing for combining all appeals in one court; (5) preserving the right of intervention; and (6) empowering the court to stay the order under review upon reasonable notice and pending hearing pursuant to the rules of the court.

On September 5, S. 2687 was passed by the Senate with committee amendments. One amendment would authorize the court for good cause shown, to extend the time for filing the review petition for an additional period not to exceed 60 days. The League is in accord with this amendment as well as with the second amendment correcting a minor stylistic error.

In behalf of The National Industrial Traffic League, I appreciate this opportunity to present the views of the League in support of S. 2687 and urge that the legislation be favorably considered by your committee.

Very truly yours,

SAM HALL FLINT,
Chairman, Legislative Committee.

STATEMENT OF BERNARD RANE, ASSISTANT CORPORATION COUNSEL, CITY OF CHICAGO, ON S. 2687

Mr. Chairman, members of the committee, my name is Bernard Rane. I am Assistant Corporation Counsel of the City of Chicago with offices at 511 City Hall Building, Chicago, Ill. 60602. This statement is submitted by the City of Chicago in opposition to S. 2687 in its present form as passed by the Senate and introduced in the House on September 9, 1968.

S. 2687 would transfer judicial review of orders of the Interstate Commerce Commission ("Commission") from the U.S. district courts (which have had