

ACC AC44/1/TA 10000/142/2052 PRIVATELY OWNED RAILWAYS
SEPT. 1944 - JUNE 1945

NATALLY OWNED RAILWAYS FINANCE - DECREES
PT. 1944 - JUNE 1945

TRENI MERCI EFFETTUATI E TONNELLAGGIO LORDO TRASPORTATO DISTINTAMENTE PER CONTO CIVILE E DELLE FORZE ARMATE SULLE LINEE IN ESERCIZIO DEI COMPARTIMENTI DI FIRENZE - ANCONA - ROMA - NAPOLI - BARI - REGGIO U. - PALERMO E CAGLIARI.

Mese ed anno	Treni effettuati			Percentuale treni cento Alleati	Tonnellaggio lordo trasportato				ANNOTAZ.
	civili n°	Alleati n°	Totale n°		civili Tonn.	Alleati Tonn.	Totale Tonn.	Percentuale tonn. cento Alleati	
Ottobre 1944	2774	6465	9239	70 %	1.088.340	3.247.630	4.335.970	75 %	
Novemb. 1944	2570	6570	9140	72 %	1.066.280	3.555.731	4.622.073	77 %	
Dicemb. 1944	2794	7792	10586	73 %	1.146.577	4.451.649	5.598.226	79 %	
Gennaio 1945	3013	7760	10773	72 %	1.185.848	4.339.315	5.525.163	78 %	
Febbr. 1945	2836	9674	12510	78 %	1.027.777	5.443.183	6.470.960	84 %	
Marzo 1945	3987	11127	15114	73 %	1.493.750	6.358.128	7.851.878	81 %	
Aprile 1945	4898	9528	14436	66 %	1.652.727	5.702.200	7.354.927	77 %	

In reply to 44/1 dated
11.1.45
Original to Moscow

PROSCI EFFETTUATI E TONNELLAGGIO LORDO TRASPORTATO DISTINTAMENTE PER CONTO CIVILES
FORZE ALLEATE SULLE LINEE IN ESERCIZIO DEI COMPARTIMENTI DI FIRENZE - ANCONA -
BARI - BARI - REGGIO C. - PALERMO E CASLINI.

444/1

Treni effettuati			Percentuale treni conto Alleati	Tonnellaggio lordo trasportato				ANNOTAZIONI
civili	Alleati	Totale		civili	Alleati	Totale	Percentuale tonn. conto Al- leati	
N°	N°	N°		Tonn.	Tonn.	Tonn.		
2774	6465	9239	70 %	1.088.340	3.247.630	4.335.970	75 %	
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3987	11127	15114	73 %	1.493.750	6.393.128	7.886.878	81 %	
4898	9528	14436	66 %	1.652.727	5.702.200	7.354.927	77 %	

In reply to 444/1 dated 6 June 45
Original to Movement P.D.

0442

44/1/75

PGM/ic

TRANSPORTATION SUB-COMMISSION, AC
(RAIL DIVISION)
c/o Transportation (Br) Main
C.H.F.

Tel. 643223

Ref. AC/44/1/Tn 4

7 June 1945

SUBJECT : Percentage of Rail capacity used by Military.

TO : ISR - Blag.

1. Can you let me have a statement by month since August 1943 showing the Rail capacity used ~~for~~ Allied Military ~~TRAFFIC~~
2. Suggest this statement be based on the tonnage and personnel moved but statement is merely to show for example

August 1943 - 75%
Sept. 1943 - 85% etc.,

W. H. H. H.
Director

2709

7 June 1945

SUBJECT : Percentage of Rail capacity used by Military.

TO : ISR - Bldg.

1. Can you let me have a statement by month since August 1943 showing the Rail capacity used for Allied Military Traffic
2. Suggest this statement be based on the tonnage and personnel moved but statement is merely to show for example

August 1943 - 75%
Sept. 1943 - 85% etc.,

Phelan May
Jr. Director

2709

HEADQUARTERS ALLIED COMMISSION
APO 394
Economic Section

HHE/et

ES

March 1945

SUBJECT: Decree for Further Increase of Railway Tariffs

TO : Ministro de Trasporti
Interministerial Price Committee
Piazza Dalmazia No. 1 - Rome

1. Reference Prot #236, 7 March 1945, and UL 708/2740,
9 March 1945.

2. It is suggested by this Commission that paragraph #4 of the proposed decree be made more specific since some of the railroads may not have elected to increase their tariff rates to the full extent authorized by the November 1944 decree. It should be stipulated that tariff rates may be either increased 100% over the tariff rates authorized by decree in November 1944 or 300% over the prevailing official tariff schedules of July 1943.

3. It is understood, of course, that the proposed decree does not affect in any way the Allied military use of the railroads for the movement of military supplies, nor is it to effect any subsequent settlements that may be made.

A. G. ANTOLINI
Acting Vice President
Economic Section

TRANSLATION

INTERMINISTERIAL PRICE COMMITTEE

Ref 326

7th March 1945

To the Economic Section, AC

SUBJECT: Increase in railway rates and fares.

1. This committee, in the meeting of the 1st March, examined the memorandum, copy of which is herewith enclosed, presented by the Minister of Transport, for an increase in railway rates and fares.

2. The committee is perfectly aware of the serious financial situation of the State Railway's Administration, following the paralysis of traffic on its lines; no other public services has suffered nearly so great a diminution of revenue. On the other hand the committee has noticed that the increase of rates desired by the State Railways brings the rates of transport of goods and passengers to a much lower level than those which the consumer must pay for other means of transport. Although realizing that the proposed increase will not be able to improve appreciably the railway budget, this committee has decided to accept to the proposal presented by the Ministry of Transport so as to keep within a certain limit, at least partially, the deficit of the State Railways.

3. The committee has also decided that the increase in rates granted to the State railways for the transport of goods may be included, by an order of the competent ministers, to the secondary railway lines connected with the State railways. As for the other tram and railway lines, as well as for passenger fares in general, this committee has decided that the request for increase must be examined case by case by the Ministry of Transport according to the results of the company's budget and must be submitted to the approval of this committee.

FOR THE PRESIDENT.

2707

B
Float

LDD/es

Increase of Railway Tariffs -
Italian Government Territory

/ES

Mr. Stauffer, Chief, Price
Control Branch

18 April

5

1. Attached is correspondence which I have been holding up by direction of Mr. Antolini. This, as you will note, is a matter wherein the Italian Government asked our concurrence in another 100% increase in railroad rates. Before any further action is taken on this matter, we should definitely clarify our position with the Government in connection with rate matters in the Italian Government territory.

(sgd) L. D. DENSMORE

L. D. DENSMORE
Colonel, FA, GSO
Economic Section

Incl - m/a

MINISTRY OF TRANSPORTS
GEN. INSPECTORATE MCTC

24/1/73
Rome, 23 March 1945

Serv. V°-Uff. 3° - N. 3062/Ag-13-1
One enclosure.

SUBJECT: Financial measures to ensure the
operation of following railways
in concession: Cusana, STEFER,
Sud-Est.

- Callahan*
asp
1. Your letter AC/44/1 Tn 4 dated 14 March 1945 refers.
 2. To ensure the regular operation of the Railways and Tramways Companies which are presently in bad financial condition, this Ministry is prepared to grant an adequate increase of the fares, subject to approval by that S/Commission and by the Interministerial Price Committee.
 3. Should the budgets still show a deficit, in spite of a/m increases of the fares, this Ministry is empowered to grant further financial support, at Public Treasury's expenses, but only to cover pure operational deficit and within the limits allowed by the sum provided for in the State's budget.
 4. In so far as above Companies, all conveying civilians working under the Allies, are concerned, this Ministry advises that STEFER has been authorized to increase the fares as requested, effective March 20th ult., while the application submitted by Sud-Est Company to the same purpose has been forwarded to the Interministerial Price Committee on March 21st for investigation; to the same Committee we will in due time submit also the application sent by the Cusana Company.
 5. We beg to send hereto attached a summary of the instructions that were recently issued to Compartmental Inspectorates MCTC in order to regularize the liquidation of the sums due to the Companies operating conveyance of both military and civilian personnel working under the Allies. We want to point out that the payment of above sums, presently effected by this Ministry, will be in future effected by the Ministry of Treasury, while the responsibility for the investigations rests still with this Ministry.

The Minister
CERAMONE

2795

Summary of the instructions issued by Transportation's Office (Gen. Inspectorate MCTC) to regularize the payment to the Companies operating transports in concession, of the sums due for movements effected on behalf of Allied Forces.

For the liquidations of the sums due to the Companies operating transports in concession for movements effected on behalf of the Armed Forces, it is requested that:

1. The Companies operating the movements submit every month a request in duplicate, duly signed by the Director of the Operating Dept. for the liquidation of all transports effected during the month; the fare must be given, together with all necessary data to check the application.
2. Every Compartamental Inspectorate arrange for a quick and careful control of the documentation attached to each application; the applications, duly confirmed or amended and signed by the Compartamental Director, be forwarded (both original & copy) together with the documentation, to this Ministry, accompanied with an appropriate report, also in duplicate.
3. The Companies send, together with the application, a statement of the Allied Authority on whose behalf the transports are operated; from said statements it must result that the transports have been regularly operated in the interests of Allied Armed Forces; it must be moreover clearly specified that no direct payment has been made.
4. Every Compartamental Inspectorate declare that the sums corresponding to the transports effected have been duly notified as operational incomes and are therefore subjected to the payment of corresponding tax.
5. For the first liquidation a legal copy of the procurement act be sent; on said act the name and the qualification of the person delegated by the Company to sign the receipt of Order of Payment must be specified, together with the Provincial Treasury Office where the payment will be collected, unless the Company declares that the payment is to be made through their Postal Account Current, in which case the number of said account together with its heading are to be given.

ACP/ic

INTER-OFFICE MINUTE

Ref. AG/95/Tn 4

TO : Deputy Director, Tn Sub-Commission, AC

SUBJECT : Passes and Permits for travel by Rail.

1. Arising out of discussion at Traffic Sub-Committee and Allied Railway Board, a meeting was held on 22 March 45. Findings of Meeting are given in attached copy of Minutes, which is Report to Chairman of Traffic Sub-Committee.
2. In connection with free conveyance of civilian working for allies, a preliminary meeting was held with representatives of MRS, Movements (Military & AC) Finance and Labour Sub-Commissions. General procedure was agreed and a further meeting will be held on Tuesday next after Ministry of Communications have examined our proposals.
3. STEEL COY ROME.
Ministry of Communications have guaranteed continued operation, and are examining figures for payment.

A.C.PING, Major

Transportation Sub-Commission (Rails)
Tel. 843238
24 March 1945.

273

1 Enclosure (copy of Minutes)

44/1/72

ACP/ic

TRANSPORTATION SUB-COMMISSION, AC
(RAIL DIVISION)
c/o Transportation Increment
O.M.F.

Tel. 843238
Ref. AC/44/1/Tn 4

16 March 1945

TO : Deputy Director Tn Sub-Commission, HQ.AC
SUBJECT : Decree for further Increase of Railway Rates Fares.

1. The attached documents have been received from Minister of Transport.
2. The only comment I have to make is that I feel Article 4 should be more specific. The decree of last November gave Railways and extra-urbane tramways authority to increase up to 100% over July 1943 figures. This decree should therefore permit increases up to 200% over July 1943 figures, and not just the doubling of existing rates.
3. The reference to inland waterways was not, as far as is known, included in the Decree of last November.

O.H. Lindberg, Lt. Col.
O.H. LINDBERG
Lieut. Col. R.E.,
Chief, Rail Division.

Submitted with letter from Min. 8 Sept U.L. 708/2740 GB/bm
Translation 8 Sept 1940

Scheme of Legislative Lieutenantcy Decree.

Increase of fares for the transport of passengers and goods on the State Railways, on Railways, extra-urban tramways and internal lines of navigation which are in concession to private industry.

Umberto of Savoy Prince of Piemonte
 Lieutenant General of the Kingdom

owing to the authority granted to us:

seen the art. 40 of the law 7 July 1907 no. 489, concerning the arrangement of the operation of the state railways, and its further modifications -

seen the royal decree, 9 May 1912, no. 1447, which approves the unified text of legislative dispositions concerning the railways in concession to private industry, tramways, motor cars and its modifications -

seen the royal law-decree, 11 October 1934, no. 1940, converted in the law, 4 April 1935, no. 911, and its modifications, concerning the conditions and fares for the transport of passengers on state Railways -

seen the royal law, 25 January 1940, no. 9, converted in the law 13 May 1940, no. 674 and its modifications, concerning the conditions and fares to transport goods on state railways. -

seen the art. 4 of the Lieutenantcy law-decree 20 June 1944, no. 151 -

Heard the Interministerial Prices Committee :

seen the deliberation of the Ministers' Council :
 on proposal of the Minister, Secretary of State for transports, in agreement with the Ministers, Secretaries of State for Finance, Treasury, Industry, Commerce and Labour:

WE SANCTION AND WE PROMULGATE THAT FOLLOWS :-

Art. I

The decrees of the Minister for the Communications dated 21 January 1942, no. 2326, and 26 February 1942, no. 2654, concerning temporary increase of transports by rail of food supplies, wines,

seen the art. 40 of the law 7 July 1907 no. 429, concerning the arrangement of the operation of the state railways, and its further modifications -

seen the royal decree, 9 May 1919, no. 1447, which approves the unified text of legislative dispositions concerning the railways in concession to private industry, tramways, motor cars and its modifications -

seen the royal law-decree, 11 October 1934, no. 1940, converted in the law, 4 April 1935, no. 911, and its modifications, concerning the conditions and fares for the transport of passengers on state Railways -

seen the royal law, 20 January 1940, no. 9, converted in the law 13 May 1940, no. 574 and its modifications, concerning the conditions and fares to transport goods on state railways. -

seen the art. 4 of the Lieutenantcy law-decree 20 June 1944, no. 151 -

Heard the Interministerial Prices Committee :

seen the deliberation of the Ministers' Council :
on proposal of the Minister, Secretary of State for transports, in agreement with the Ministers, Secretaries of State for Finance, Treasury, Industry, Commerce and Labour:

WE SANCTION AND WE PROMULGATE WHAT FOLLOWS :

Art. I

The decrees of the Minister for the Communications dated 21 January 1942, no. 2326, and 26 February 1942, no. 2654, concerning temporary reductions of fares of transports by rail of good supplies, wines, fruits and pressed grapes with must, are abrogated.

Art. 2

The enclosure no. I attached to the conditions and fares for the transport of passengers on the state Railways has been modified as follows:-

Permanent tax on the reduction cards for the pensioners of the state	-----20 liras per card
Personal identity ticket for the subscribers	-----10 liras per ticket.
Ticket for employees, artisans, labourers, workmen and students	-----10 liras per ticket.

Ticket for a whole family -----10 liras n. ticket

The enclosure no. 4 attached to the conditions and fares for the transport of freights on state railways, are modified as follows:-

Way bill and duplicate -----4 lire per each copy

Way bills for the forwarding of express parcels -----2 liras per each copy

Commission for the allowance service -----0,20 lire per each 10 indivisible liras with a minimum of 4 liras per allowance.

Commission in the advanced expenses -----0,20 lire per each 10 indivisible liras, with a minimum of 2 liras per each advanced expense.

Tax for the declaration of the interest at the re-delivery -----0,0000 liras for each 10 lire of the declared sum and per each 10 indivisible Km., with a minimum of 2 liras per forwarding.

Art. 3.

It will be redoubled all prices which will result from the application of the two precedent articles and all those which are valid when this decree, concerning the transport of persons and freights on the State railways, will be enforced.

The increase is applied on the total amount of the sums which are due for each transport.

The tax for the exactions which must be paid on the train, reference art. 3, para 10 of the above mentioned conditions and fares for the transport of passengers, is increased to the 10% of the sum which must be paid, with a minimum of 20,00 liras.

The eventual fraction of liras of the figures resulting from the above mentioned increases will be augmented in order to form a whole lira.

Art. 4.

With decrees of the Minister of Transport, all those who have in concession railways, extra-urban tramways and internal lines of navigation can be authorized to increase until the redoubling, all fares to transport passengers and freights which are valid at the date when the present decree will be enforced.

Commission in the advanced

expenses ----- 0,00 lire per each 10 individ-
 uale lire, with a minimum of
 2 lire per each advanced ex-
 pense.

Tax for the declaration of the

interest at the re-delivery ----- 0,0000 lire for each 10 lire
 of the declared sum and per
 each 10 indivisible Km., with
 a minimum of 3 lire per for-
 warding.

Art. 3.

It will be redoubled all prices which will result from the an-
 nulation of the two precedent articles and all those which are
 valid when this decree, concerning the transport of persons and
 freights on the State Railways, will be enforced.

The increase is applied on the total amount of the sums which
 are due for each transport.

The tax for the exactions which must be paid on the train, re-
 ference art. 8, para 10 of the above mentioned conditions and fares
 for the transport of passengers, is increased to the 10% of the
 sum which must be paid, with a minimum of 20,00 lire.

The eventual fraction of lire of the figures resulting from
 the above mentioned increases will be augmented in order to form
 a whole lire.

Art. 4.

With decrees of the Minister of Transports, all those who have in
 concession railways, extra-urban tramways and internal lines of
 navigation can be authorized to increase until the redoubling, all
 fares to transport passengers and freights which are valid at the
 date when the present decree will be enforced.

Art. 5.

For the greatest incomes deriving from the annulations of the in-
 creases mentioned in the art. 3. of the present decree, we con-
 sider valid the present dispositions concerning the total devo-
 lution of them to the State Railways.

All the greatest incomes deriving, according to the annula-
 tion of these increases, from the operations of lines, of private
 property by the State Railways, are totally devolved to the State
 Railways.

2700

Art. 6.

The period of time, which according to the art. 40 of the law 7 July 1907, no. 429, is necessary for the revision of the Menolature and Classification of freights, included in the Conditions and Pares for the transport of goods on the state Mailways, is delayed until one year after the end of the war.

Art. 7.

This decree becomes effective on the day successive to that of its publication in the "Gazzetta Ufficiale" of the Kingdom.

All those concerned are hereby ordered to treat and see that it is treated as state law.

Rome

0456

it is treated as state law.

Rome

2400

TRANSPORTATION SUB-COMMISSION, AC.
(RAIL DIVISION)
C/o Transportation Increment
C.M.F.

Tel. 843288
Ref: AG/95/Tn 4

12 March 1945

TO : Director,
Military Railway Services

SUBJECT : I.S.R. Civilian Workers Services.

1. There are in the southern area a number of train services in operation for I.S.R. workers, such as between Rome and Nettuno, Rome-Civitavecchia, Rome-Gette Ragni, etc. and from information which is received, the timings are sufficiently well known for other passengers to attempt to travel on them. On the Rome-Civitavecchia service, this desire was recognised by the provision of a special coach for ordinary workers.

2. I.S.R. are pressing for facilities for the conveyance of workers between Rome and Nettuno, for the many jobs of reconstruction and anti-material activity in the Marshes, and for civilian workers to be conveyed to Gette-Ragni and beyond to assist with the doubling of the rail tracks and other work of a useful character.

3. It is suggested that these services, already in operation, would form the useful nucleus of civilian workers' services without disrupting existing operating arrangements. As the Allied Railway Board declared that it felt the earliest possible operation of civilian trains on a fare-paying basis was desirable, it is felt that if the existing trains could be transposed in title, so that they become "Workers trains with coaches for I.S.R. personnel specially reserved", instead of "Trains for I.S.R. personnel with a coach on for civilians", reversion to normalcy would be speeded, and the I.S.R. would know quite definitely their responsibility in respect of collection of fares.

4. It would further enable the services to be quoted to the public, and prevent undesirable attempts to board other unadvertised and purely military trains. There is so much work to be done in the district, and so many workers available for it, that the provision of transport facilities by the expedient of strengthening existing trains seems a reasonable solution, and places upon the I.S.R. further responsibility for the operation of their civilian services.

5. The very satisfactory increase in passenger facilities over

ACP/ev

SUBJECT: I.S.R., Civilian Workers Services.

1. There are in the southern area a number of train services in operation for I.S.R. workers, such as between Rome and Nettuno, Rome-Civitavecchia, Rome-Sette Segni, etc. and from information which is received, the timings are sufficiently well known for other passengers to attempt to travel on them. On the Rome-Civitavecchia service, this desire was recognised by the provision of a special coach for ordinary workers.
2. I.S.R. are pressing for facilities for the conveyance of workers between Rome and Nettuno, for the many jobs of reconstruction and anti-malarial activity in the Marshes, and for civilian workers to be conveyed to Sette-Segni and beyond to assist with the doubling of the rail tracks and other work of a useful character.
3. It is suggested that these services, already in operation, would form the useful nucleus of civilian workers' services without disrupting existing operating arrangements. As the Allied Railway Board declared that it felt the earliest possible operation of civilian trains on a fare-paying basis was desirable, it is felt that if the existing trains could be transposed in title, so that they become "Workers' trains with coaches for I.S.R. personnel specially reserved", instead of "trains for I.S.R. personnel with a coach on for civilians", reversion to normalcy would be speeded, and the I.S.R. would know quite definitely their responsibility in respect of collection of fares.
4. It would further enable the services to be quoted to the public, and prevent undesirable attempts to board other unadvertised and purely military trains. There is so much work to be done in the district, and so many workers available for it, that the provision of transport facilities by the expedient of strengthening existing trains seems a reasonable solution, and places upon the I.S.R. further responsibility for the operation of their civilian services.
5. The very satisfactory increase in passenger facilities over long distances is appreciated, but within the locality of large cities there must always be some provision for suburban traffic which cannot be met by just stopping a long distance train at selected points in the metropolitan area. The demands of Frascati and Tivoli have been met in some measure in this respect, but some help in the other directions would be appreciated.

M. Lindberg. Lt. Col. 2898
O.H. LINDBERG
Lt. Col. R.E.
Chief, Rail Division

Copy to: Rail Movements Tn. 3

D R A F T

MINUTES OF MEETING HELD ON THURSDAY 22ND MARCH 1945 IN CONNECTION
WITH THE ISSUE OF PASSES AND PERMITS FOR THE CONVEYANCE
OF CIVILIANS BY MILITARY TRAINS.

PRESENT : Major A.C.PING, Allied Commission (chair)
 Major D.HOWES, Movements AFHQ Liaison Officer with MRS
 Major S.E.LONDON, Military Railway Service
 Capt. C.R.HOLDOM, Military Railway Service.

Terms of Reference :

Minute 2f of Traffic Sub-Committee Meeting of Allied Railway Board,
 held on 3 March 45, and reading as under :-

"PASSES.

The Chairman stated that the problem of passes is still
 confronting us. He suggested that we appoint a sub-committee
 to set up an organisation to handle passes and permits.

It was unanimously agreed that Major Ping be appointed
 Chairmen with Major London and Capt. Holdom as members.

The Chairmen to call upon the ISK and Movements AC for
 assistance".

1. The Sub-Committee desires to emphasise that where civilian
 train services exist, it is undesirable that Italian civilians
 should be permitted to use military facilities. The Sub-
 Committee views its function as being to clear up certain
 difficulties where circumstances make it desirable for certain
 Italian civilians to travel by military train in pursuance
 of duty on behalf of the Allies, etc. and not to promote
 facilities for the general movement of civilians by such means.
2. The following decisions were registered and their adoption
 is recommended by the Traffic Sub-Committee:-
 - (a) All Italian Armed Forces, Prisoners of War, Nursing
 Services, should apply to MNIA, for bulk or individual
 movement.
 - (b) All Italians for whom individual movement is desired
 by a Branch of the Allied Forces in the interest of
 Allied War effort should forify the individual with
 a suitable recommendation, which he/she should present
 to local Movements Officer.
 - (c) Movements Officers should be provided with special

0 4 6 0

Terms of Reference :

Minute 2f of Traffic Sub-Committee Meeting of Allied Railway Board, held on 3 March 45, and reading as under :-

"PASSES."

The Chairman stated that the problem of passes is still confronting us. He suggested that we appoint a sub-committee to set up an organisation to handle passes and permits. It was unanimously agreed that Major Fing be appointed Chairman with Major London and Capt. Holdom as members. The Chairmen to call upon the ISS and Movements AC for assistance".

1. The Sub-Committee desires to emphasise that where civilian train services exist, it is undesirable that Italian civilians should be permitted to use military facilities. The Sub-Committee views its function as being to clear up certain difficulties where circumstances make it desirable for certain Italian civilians to travel by military train in pursuance of duty on behalf of the Allies, etc. and not to promote facilities for the general movement of civilians by such means.

2. The following decisions were registered and their adoption is recommended by the Traffic Sub-Committee:-

- (a) All Italian Armed Forces, Prisoners of War, Nursing Services, should apply to MMIA, for bulk or individual movement.
- (b) All Italians for whom individual movement is desired by a Branch of the Allied Forces in the interest of Allied War effort should fortify the individual with a suitable recommendation, which he/she should present to local Movements Officer.
- (c) Movements Officers should be provided with special card passes, (to be prepared by Movements AFHQ) for issue in circumstances they consider satisfactory. Card passes are recommended to meet the needs of Postal Officials, Guardia di Finanza, etc., whose journeys with mails, etc. are over a period of time.
- (d) It is recognised in such cases that the Movements Organisation will be the deciding authority, but it is hoped that AFHQ will issue the appropriate instruction to safeguard the movement of such personnel as are recommended under para (c).

- 2 -

(e) Individual applications.

Numerous applications are received in respect of Italian civilians who for various reasons desire to reach a town served only by military railway. It is recommended that all such applications be declined.

(f) Movements of Workers by Military trains provided for the Purpose.

It is recommended that a standard card pass/work permit be used where workers are conveyed free whilst working directly for allied forces. The use of paper passes is unsatisfactory. The form of permit already approved by Movements APHQ to be adopted, and the card used in Bari District is recommended as the type to be used.

(g) Movement of Workers by Military trains when not falling under provision of paragraph 7, but sponsored by AG as essential to the maintenance of minimum needs of the area.

AG to agree with ARS the number of passengers to be carried by the military workers train.

During the temporary period when the area is restricted for movement, AG officer to issue passes similar in character to that approved under para (f).

The Committee supports the contention for all civilian workers not coming within paragraph f, civilian passenger train facilities should be introduced at the earliest possible moment in order that the appropriate fares shall be paid by the travellers.

(h) Permits for being on Railway Company's premises.

Sole authority to permit civilians to be on railway company's premises to be vested in Director, Military Railway Services; ARS to advise the type of permit to be used for such purpose

It is recommended that a standard card pass/work permit be used where workers are conveyed free whilst working directly for allied forces. The use of paper passes is unsatisfactory. The form of permit already approved by Movements APM to be adopted, and the card used in Bari District is recommended at the type to be used.

- (g) Movement of workers by military trains when not falling under provision of paragraph 7, but sponsored by AC as essential to the maintenance of minimum needs of the area.

AC to agree with MRS the number of passengers to be carried by the military workers train.

During the temporary period when the area is restricted for movement, AC officer to issue passes similar in character to that approved under para. (f).

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- (h) Permits for being on Railway Company's premises.
Sole authority to permit civilians to be on railway company's premises to be vested in Director, Military Railway Services; MRS to advise the type of permit to be used for such purpose

ASP/10

HEAD BARTONS ALLIED COMMISSION
 AND 194
 Transportation Sub-Commission

14 March 1945

Sel. 043/38
 Ref. AC/44/2/7M 4

TO : Ministry of Transport
 General Inspectorate MOTO

SUBJECT : Provision of Finance to ensure operation of Owens
 Railway, Naples - Steyer Company, Dume and Sud-Est
 Company, Bari.

1. May an early statement be had please on the exact
 arrangements which have been made with

- (a) OSHANA COMPANY, NAPLES
- (b) STEYER COMPANY, DUME
- (c) SUD-EST COMPANY, BARI

to ensure that they are in receipt of sufficient finance for the
 continued operation of these Companies, which are carrying workers
 engaged by Allied Forces.

2. Details of the instructions given to your Comptrolments
 representatives as to the action to be taken on receipt of returns
 of workers carried free would be appreciated.

3. As other Private Companies are also involved and their
 continued operation are essential to the Allied War Effort, definite
 machinery should be provided to meet the situation, without
 continued complaints of lack of operational finance.

HENRIET H. TAYLOR
 Director.

copy to file 44/1/70

TRANSLATION

Ministerial Decree Oct. 31st 1944

Increase of rates for transportation of persons and freight on State Railways, on railways operated under concession by private concerns and on extra-urbane tramways.

The Minister of Communications

seen Royal Law-Decree dec. 16th 1943 N. 27/B

ESTABLISHES

Art. 1 All fares valid at the date of June 30, 1943 for transportation of persons and freight on State Railways are increased by 100%. The increase must be applied to the total amount of the fares as presently established for each transportation.

Eventual fractions of one lire of the increased price thus resulting must be rounded in plus, up to one whole lire.

Art. 2 It is moreover authorized that all charges and fares valid at the same date on privately owned Railways in concession, and on extra-urbane tramways, be increased within the limits whereof art. 1.

All preceeding increases, enforced after July first, 1943, and exceeding a 100% increase upon the fares and charges valid at June 30th 1943, must be reduced within the limits established by present decree.

Art. 3 Successive decrees will provide for tramways, filobusses, funiculars and for all public service of transportation whereof R. law-decree dec. 16th 1943, n. 27/B.

Art. 4 Present decree will be published on Gazzette Ufficiale del Regno and it will become effective on the day following its publication's.

the Minister
sgd. Cerabona

Rome, Oct. 31st, 1944

The Minister of Communications

seen Royal Law-Decree dec. 16th 1943 N. 27/B

ESTABLISHES

Art. 1 All fares valid at the date of June 30, 1943 for transportation of persons and freight on State Railways are increased by 100%. The increase must be applied to the total amount of the fares as presently established for each transportation.

Eventual fractions of one lire of the increased price thus resulting must be rounded in plus, up to one whole lire.

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Art. 4 Present decree will be published on Gazzetta Ufficiale del Regno and it will become effective on the day following its publication's.

The Minister
sgd. Cerebona

Rome, Oct. 31st, 1944

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44/1/63

ACP/10

TRANSPORTATION SUB-COMMISSION (AC)
(Rail Section)
C/o Transportation Increment
C. M. P.

Tel: 843307

Our Reference : AC 44/1/72

7 December 1944

TO : Ministry of Communications
Ufficio Legislativo presso il Gabinetto

SUBJECT : Decree: Privately-owned Railways.

1. Reference is to your letter IV/1.180/18924 of 22 Nov.

2. Your letter clarifies to some extent the purpose of the Decree, but it is felt the text of the Decree itself does not convey clearly your meaning:

Every grantee, according to the Italian law, is obliged to maintain in efficiency the service conceded under penalty of decadence, therefore it is in his own interest to state the damage for the repairing, in order to avoid the decadence when the concern is prosperous.

On the contrary, when the concern is not prosperous, it could be in the interest of the grantee to fall in decadence. While it might not be in the interest of the State concessionary, because of the indispensability of the service, the State may be concerned that such service continues.

It is felt that a clear explanation should be given of the intentions in respect of rolling stock obtained on advance made by the State. It appears to be quite clear that when the State advances merely for this purpose, the concessionary will be unable to return such money, and the State will have a lien on rolling stock at any time. This position does not seem very satisfactory nor an inducement to private railways to develop their enterprise.

TO : Ministry of Communications
Ufficio Legislativo presso il Gabinetto

SUBJECT : Decree, Private-owned Railways.

1. Reference is to your letter HV/L. 180/15024 of 22 Nov.

44.

2. Your letter clarifies to some extent the purpose of the Decree, but it is felt the text of the Decree itself does not convey clearly your meaning:

"Every grantee, according to the Italian law, is obliged to maintain in efficiency the service conceded under penalty of decadence, therefore it is in his own interest to state the damage for the repairing, in order to avoid the decadence when the concern is prosperous."

"On the contrary, when the concern is not prosperous, it could be in the interest of the grantee to fall in decadence. While it might not be in the interest of the State concessionary, because of the irresponsibility of the service, the State may be concerned that such service continues."

3. It is felt that a clear explanation should be given of the intentions in respect of rolling stock obtained on advance made by the State. It appears to be quite clear that when the State advances money for this purpose, the concessionary will be unable to return such money, and the State will have a lien on rolling stock at any time. This position does not seem very satisfactory nor an inducement to private railways to develop their enterprise.

C. H. LINDBERG,
Lt. Col. R.E.,
Chief, Rail Section.

289

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/4104/L.

4/1/68
/mt.
5 December 1944.

SUBJECT : War damages - privately owned railways.
TO : Transportation Sub-Commission.

1. Your AC/44/1/TN together with the letter of the Ministry of Communications has been duly received and perused.
2. The explanations given in the Minister's letter clarify the purpose of the decree which is still not so apparent in the text itself.
3. It is understood that under the provisions of Art. 14, the State becomes the owner of the proportion of rolling stock it has financially contributed to restore or replace. This proportion is determined by the Commission established under Art. 5. These advances cannot be refunded.
4. Under Art. 15 however it is expressly stated that advances made by the State under Art. 8, must be refunded. This really needs clarifying in the text itself, as non refundable advances under 14 appear to be included in Art. 8.
5. Whether the purpose of the State to acquire a control over all rolling stock privately owned ~~and~~, is desirable or not, is a matter of policy for your Sub-Commission to decide

G. G. Hainford
Lt. Colonel, Officer i/c Italian Branch
for Deputy Chief Legal Advisor.

ACP/ic

HEADQUARTERS ALLIED COMMISSION
APO 394
Transportation Sub Commission

Tel: 478701

28 November 1944

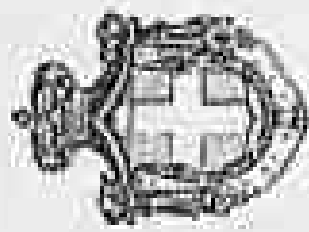
Our Reference: AC/44/1/Tn.

TO : Legal Sub Commission
HQ., AC.SUBJECT : War damages - privately owned railways.

The attached reply has been received from Ministry of Communications in connection with the points raised in your letter AC/4104/L of 7th November, and your further comments would be appreciated, especially as the Decree has apparently been approved by the Council.

Ed ACP

D.S. ADAMS.,
Colonel, C.E.,
Director, Tn. Sub Comm.



MINISTERO DELLE COMUNICAZIONI

UFFICIO LEGISLATIVO PRESSO IL CABINETTO

Rome, 22th of nov. 1944

To the ALLIED COMMISSION
Transport Sub Commission

N.

U.L. 150/16024

Risposta al N. Tr. /44/I 16th nov. 44

ROME

OGGETTO: Decree Private Railway.

This Ministry hastens to answer to the above note, in order to give clarifications to your N. 3 and 4, which seem to be the only observations made by that Sub Commission on the Decree in Object.

The reason of parag. I art. 4 of the Decree, is to foresee the verification of damage, either by denunciation of the interested or by initiative of the competent office, in the following terms;

Every grantee, according to the Italian law, is obliged to maintain in efficiency the service conceded under penalty of decadence, therefore, it is in his own interest to state the damage for the repairing, in order to avoid the decadence when the concern is prosperous.

On the contrary, when the concern is not prosperous, it could be in the interest of the grantee to fall in decadence. While it might not be in the interest of the State concessionary, because of the indispensability of the service, the state may be concerned that such service continues.

The proceedings, either for the verification of the damage in consequence of denunciation, either for the verification of the competent office, are identical and suited to art. 4. 5, and 13th of the Decree.

Indeed, the Ispettorato Compartmentale della Motorizzazione Civile and Trasporti in Concessione, on the basis of the elements received from the grantee, and the elements possessed on the initiative of the competent office, disposes for the verification of the damage in contradictory of the grantee and draws a technical report on action, provision and expences needed and of their indispensability. The report of such verification is submitted for examination to a special Commission, instituted by the Decree, which Commission deliberates, - art. 6 - stabilizing the modalities and terms for action and provision.

This Ministry hastens to answer to the above note, in order to give clarifications to your N. 3 and 4, which seem to be the only observations made by that Sub Commission on the Decree in Object.

The reason of parag. I art. 4 of the Decree, is to foresee the verification of damage, either by denunciation of the interested or by initiative of the competent office, in the following terms;

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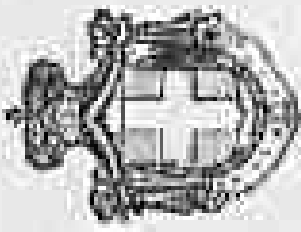
On the contrary, when the concern is not prosperous, it could be in the interest of the grantee to fall in decadence. While it might not be in the interest of the State concessionary, because of the indispensability of the service, the state may be concerned that such service continues.

The proceedings, either for the verification of the damage in consequence of denunciation, either for the verification of the competent office, are identical and suited to art. 4, 5, and 13th of the Decree.

Indeed, the Ispettorato Compartimentale della Motorizzazione Civile and Trasporti in Concessione, on the basis of the elements received from the grantee, and the elements possessed on the initiative of the competent office, disposes for the verification of the damage in contradictory of the grantee and draws a technical report on action, provision and expenses needed and of their indispensability. The report of such verification is submitted for examination to a special Commission, instituted by the Decree, which Commission deliberates, - art. 6 - stabilizing the modalities and terms for action and provision.

However, if the grantee is not in conformity with the above deliberations, - art. 13 - measures can be taken on, either by declaring decadence or the execution of the competent office in the interest of the State

As for Railway concessions to private Industries, the rolling stock usually belongs to the grantee, unless the State is obliged to supply it by an agreement.



MINISTERO DELLE COMUNICAZIONI

UFFICIO LEGISLATIVO PRESSO IL GABINETTO

N. _____

Risposta al N. _____

-2-

OGGETTO:

So that, two hypothesis are available in case of damage to rolling stock;

a) or the rolling stock is propriety of the State and the State, independently from the dispositions of the Decree in examination, on the basis of the agreement is held to substitute or repair the rolling stock: in such case, the rolling stock is of exclusive propriety of the State.

b) or the rolling stock is propriety of the grantee, (and this is the hypothesis foreseen by the Decree, since the first hypothesis is originated by the concession) so, in basis of art. 8 of the Decree the state contributes to three fourths of the expences for the repairing of the material and consequences, - art.14 - obtains propriety on the rolling stock, in relation to the value of the cooperation given.

It is, then inexact that the State obtains the prerogative on all rolling stock, but only the part of it that corresponds to the amount of the cooperation given, - art. 14 Parag. 2 says:

" The units to attribut to the State will be determined by the Commission " art.5.

Neither art.14 and ART.15, stabilize that the cooperation of the State, for the sostitution and repairing of the rolling stock will be reimbursable, because art.15, (next to art.14 where the rolling stock is disposed of,) disciplines other cooperations (art.8) otherwise, all cooperations, exceptt the cooperation on rolling stock, for which is advanced attribution of unity of propriety.

Since the rolling stock examined is only that of the grantee and, since with the cooperation of the State is advanced attribution of propriety, and since the grantee does not repay the cooperation given by the State, the grantee will only hold propriety of the part

So that, two hypotheses are available in case of damage to rolling stock;

- a) or the rolling stock is propriety of the State and the State, independently from the dispositions of the Decree in examination, on the basis of the agreement is held to substitute or repair the rolling stock: in such case, the rolling stock is of exclusive propriety of the State.
- b) or the rolling stock is propriety of the grantee, (and this is the hypothesis foreseen by the Decree, since the first hypothesis is originated by the concession) so, in basis of art. 8 of the Decree the state contributes to three fourths of the expenses for the repairing of the material and consequences, - art. 14 - obtains propriety on the rolling stock, in relation to the value of the cooperation given.

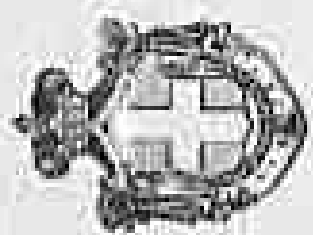
It is, then inexact that the State obtains the prerogative on all rolling stock, but only the part of it that corresponds to the amount of the cooperation given, - art. 14 Parag. 2 says:

"The units to attribut to the State will be determined by the Commission " art. 5.

Neither art. 14 and ART. 15, stabilize that the cooperation of the State, for the substitution and repairing of the rolling stock will be reimbursable, because art. 15, (next to art. 14 where the rolling stock is disposed of,) disciplines other cooperations (art. 8) otherwise, all cooperations, except the cooperation on rolling stock, for which is advanced attribution of unity of propriety.

Since the rolling stock examined is only that of the grantee and, since with the cooperation of the State is advanced attribution of propriety, and since the grantee does not repay the cooperation given by the State, the grantee will only hold propriety of the part not attributed to the State.

Referring to N. 4 of your letter, the version of art. 17 would have been more precise with only the recall of art. 5, since with art. 5 is instituted the special Commission; but no confusion is derived even if art. 6 is recalled, because in art. 6 are precised the full authorities of the Commission. In art. 5 is stabilized the composition of the above Commission.



MINISTERO DELLE COMUNICAZIONI

UFFICIO LEGISLATIVO PRESSO IL GABINETTO

N. _____

Risposta al N. _____

OGGETTO: _____

-3-

This Ministry is at the disposal of that Sub Commission for any other clarification needed on the matter.

It is to inform you the Decree was approved by the Consiglio dei Ministri, and it is on its way of publication on the Gazzetta Ufficiale.



IL MINISTRO
F.to Cerabona

-3-

OGGETTO:

This Ministry is at the disposal of that Sub Commission for any other clarification needed on the matter.

It is to inform you the Decree was approved by the Consiglio dei Ministri, and it is on its way of publication on the Gazzetta Ufficiale.



IL MINISTRO
F.to Cerabona

2688

HHB/aa

HEADQUARTERS
ALLIED COMMISSION
ECONOMIC SECTION
APO 394

Tel. 457

ES/41

4 November 1944

SUBJECT: Proposed Increase of Rates and Fares for Railways and
for Inter-urban Tramways.

TO : M.E. Cerebona, Minister of Communication.

1. Reference is made to Royal Decree of December 16, 1943
N). 27/B.

2. This proposed decree was reviewed by the Price Office
of the Allied Commission in July, and through consultation between
our Legal Sub-Commission and Avv. Caravita of your Ministry, an
agreement was reached on a simplified wording of the decree.

3. A copy of the act concerning railways and tramways is
herewith returned.

4. The Allied Commission has no objection to the publication
of this decree in its present context.

5. The effective date of imposing the rate increases should
be changed however, to coincide with some contemporary date to be
determined by the Italian Government at the time of the final approval
of the decree.

For the Acting Chief Commissioner:

A.C. Antolini
Acting Deputy Chief of Staff
Economic Section

Attachment:

As stated above.

2687

TO

: H.E. Cerebonia, Minister of Communication.

1. Reference is made to Royal Decree of December 16, 1943 N). 27/E.

2. This proposed decree was reviewed by the Price Office of the Allied Commission in July, and through consultation between our Legal Sub-Commission and AVV. Caravita of your Ministry, an agreement was reached on a simplified wording of the decree.

3. A copy of the set concerning railways and tramways is herewith returned.

4. The Allied Commission has no objection to the publication of this decree in its present context.

5. The effective date of imposing the rate increases should be changed however, to coincide with some contemporary date to be determined by the Italian Government at the time of the final approval of the decree.

For the Acting Chief Commissioner:

A.C. Antolini
Acting Deputy Chief of Staff
Economic Section

Attachment:

As stated above.

Distribution:
Transportation Sub-Commission
Legal Sub-Commission
Mr. Taylor
Harlan Cleveland
Files

2687

0478

HEADQUARTERS ALLIED COMMISSION
APO 394
Transportation Sub-Commission

1 ACP/ aa

44/1/63

Ref : AC Tn/44/1

16 November 1944

TO : His Excellency,
Cerafona,
Min. of Communications,
Rome

SUBJECT : Decree - Private Railways

1. Reference to your letter UL/150/6649 of the 15 September 44 and the proposed decree.
2. Legal Sub-Commission AC have been consulted on the matter, and it is felt that the decree is badly drawn up, with some items not clear in intention.
3. In article four, para 1, it is stated that the Inspectorate will assess damages not only when a report is received, but also, in the absence of any report, on its own initiative. The decree does not state what action will follow such a course, although it is borne in mind that all the railways concerned are in concession, and therefore the state is considerably interested in ensuring repairs are carried out. Articles 14 and 15, as at present drafted provide that the State, by advancing two thirds of the expenses necessary for the damaged rolling stock under art 8 will obtain title to the whole of the rolling stock. They indicate that the whole of the money advanced for the repair of the rolling stock will be repaid, but does not set out to whom the rolling stock will belong after the repayment has been effected. Paragraphs 2 and 3 of Art. 15 are not understood, and a clarification of their purport is desired.
4. On a point of drafting, "e 6" in article 17 line 5 should be deleted.
Your further comments will be appreciated in due course.

D. S. Adams
for. D.S. ADAMS
Colonel, C.B.
Director, Tn. S/C.

2686

HEADQUARTERS ALLIED COMMISSION
APO 394
FINANCE SUB-COMMISSION
Tel: 478610

44/1/62

13 November 1944.

13079/F

SUBJECT: War Damage to State Railways under Concession to
Private Firms.

TO : Transportation Sub-Commission. ✓

1. With reference to your AC.Tn/44/1 of 10th instant, we wish to thank you for affording us an opportunity of examining the comments of the Legal Sub-Commission on the proposed decree. These have been studied but the Finance Sub-Commission has, however, no objection to the draft decree.

for *BEY* *Immon*
Joint Director,
Finance Sub-Commission.

HEADQUARTERS
ALLIED CONTROL COMMISSION
Transportation Sub-Commission
APO 394

File
ACP/ta

44/61

Tele 478701

25 October 1944

Our ref.: ACC Tn/44

TO : Legal Sub-Commission
HQ. ACC.

SUBJECT : War damages Privately Owned Railways

1. Reference is to my letter ref. ACC Tn/44 dated 6 October 44 to Finance Sub-Commission, copy to you.
2. Please say if you have any comments in respect of the Decree.

Very Res.
D. S. Adams
D.S. ADAMS
Colonel, C.E.,
Director, Tn-S/C.

2685

File.

ACP/fd

44/60

HEADQUARTERS
ALLIED CONTROL COMMISSION
Transportation Sub-Commission
APO 324

Tele : 478701

28 October 1944

Our ref.: ACC In/44

TO : Col. J.J. Carnes
Director Road Section

SUBJECT : War damages Privately Owned Railways

1. Appended hereto is translation of a decree concerned with the rehabilitation of transport organization in concession from the State.
2. In the main, the provisions are for private railways, inter urban tramways, etc., but as the same Inspectorate also covers Road transport your comments on the Decree before writing the Minister would be appreciated.
3. Finance Sub-Commission has indicated it has no objection to the increase of 65 million liras in the Budget as a fund to meet requirements of the Decree.

cc
D.S. ADAMS
Colonel, C.E.,
Director, Tn. S/O.

Enclosure: 1
(translation)

2684

ACF/hl

File 44/1/39

HEADQUARTERS ALLIED COMMISSION
APO 394
Transportation Sub-Commission

Tel: 478701
Our Ref: AC.Tn/44/1

10 November 1944

TO : Finance Sub-Commission
HQ. AC.

SUBJECT: War Damage to State Railways
under concession to Private firms

1. Reference is to your letter 13194/F dated 20 Oct. 1944.
2. It is felt that you may ^{have} some observations you desire to make on the Legal Sub-Commission's comments on this Decree.
3. It should be remembered that all private railways of the character covered by this Decree are railways in concession from the State over varying periods.
4. Kindly return file with your comments.


D.S. ADAMS
Colonel, C.E.
Director, Tn.Sub.Comma.

44/1/58

HRB/aa

HEADQUARTERS
ALLIED COMMISSION
ECONOMIC SECTION
APO 394

Tel. 497

BS/41

4 November 1944

SUBJECT : Proposed Increase of Rates and Fares for Railways and
for Inter-urban Tramways.

TO : H.E. Cerebena, Minister of Communication.

1. Reference is made to Royal Decree of December 16, 1943
N). 27/B.

2. This proposed decree was reviewed by the Price Office
of the Allied Commission in July, and through consultation between
our Legal Sub-Commission and Avv. Caravita of your Ministry, an
agreement was reached on a simplified wording of the decree.

3. A copy of the act concerning railways and tramways is
herewith returned.

4. The Allied Commission has no objection to the publication
of this decree in its present context.

5. The effective date of imposing the rate increases should
be changed however, to coincide with some contemporary date to be
determined by the Italian Government at the time of the final approval
of the decree.

For the Acting Chief Commissioner:

A.C. Antolini
Acting Deputy Chief of Staff
Economic Section

Attachment:

As stated above.

TO

H.E. Cerebona, Minister of Communication.

1. Reference is made to Royal Decree of December 16, 1943 N). 27/E.

2. This proposed decree was reviewed by the Price Office of the Allied Commission in July, and through consultation between our Legal Sub-Commission and Mr. Caravita of your Ministry, an agreement was reached on a simplified wording of the decree.

3. A copy of the act concerning railways and tramways is herewith returned.

4. The Allied Commission has no objection to the publication of this decree in its present context.

5. The effective date of imposing the rate increases should be changed however, to coincide with some contemporary date to be determined by the Italian Government at the time of the final approval of the decree.

For the Acting Chief Commissioner:

A.O. Antolini
Acting Deputy Chief of Staff
Economic Section

Attachment:

As stated above.

Distribution:

Transportation Sub-Commission

Legal Sub-Commission

Mr. Taylor

Harlan Cleveland

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2682

44/1/55

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/4104/L.

/rlp.
7 November 1944.

SUBJECT : War damages privately owned railways.
TO : Transportation S/C.

1. Reference your ACC/Tn/44 of the 25 Oct 44.
2. The decree which is returned herewith is badly drawn and we have the following observations to make upon it.
3. The English translation is bad and we draw your particular attention to omissions in Articles 4 and 14.
4. On matters of substance, you will observe that the Italian text of Article 4 provides in para. 1 that the Inspectorate will assess the damages not only when a report of such damage is received, but also, in the absence of any report, on its own initiative. The decree does not state what action is to be followed upon such course and in any event it appears to us to be useless to insert such a provision having regard to the somewhat bankrupt state of the country.
5. Articles 14 and 15 are entirely unsatisfactory. As drafted, they provide that the Government, by advancing two-thirds of the expenses necessary for the repair of damaged rolling stock (Art. 8), obtains title to the whole of the rolling stock. The funds advanced by the Government will be repaid. Nothing is said in either article as to the ultimate title of the rolling stock after re-payment.

Nothing is said in either article as to any right in the railway company to use the rolling stock pending re-payment.

It is presumed that the intention of Articles 14 and 15 is to create a situation analogous to a high purchase agreement. If this is the intention the decree does not achieve it.
6. Paragraphs 2 and 3 of Article 15 appear to be entirely meaningless. If we can be advised what these paragraphs are intended to mean, we may be able to make some observations thereon.
7. In Art. 17 as a pure point of drafting, the words "e 6" should be deleted from the 5th line.

W. E. Fehrensen
W. E. FEHRENS,
Colonel,
Deputy Chief Legal Advisor.

Incl.

2681

SCHEME OF LICENSING LAW - DRAFT

"Extraordinary provisions for the re-organization of public transports services in concession to private industry".

HERBERT OF SAVOY, Prince of Piemonte
Lieutenant - General of the Kingdom;

By virtue of authority granted me;

seen the Royal decree of the 25th May 1922, No. 14471 which approves the contents of the law concerning Railways in concession to private enterprises, tramways and motor cars;

seen the Royal law decree of the 2nd August 1929, No. 21901 concerning the concession of Railways and other means of transport and the technical and administrative maintenance of the operating railway lines;

seen the law of the 28th September 1939, No. 10391 concerning the discipline of motor transports of passengers, luggage and agricultural packages in regime of concession to private industry;

seen the article 4 of the Licensing law decree of the 25th June 1944, No. 131.

seen the Royal law decree of the 20th October 1945, No. 212 and successive modifications;

seen the deliberation of the Minister's Council;

On proposal of the Minister of Communications, in agreement with the Home Secretary and the Ministers of Grace and Justice, Finance, Treasury, War, Public Works, Agriculture and Forestry, Industry, Commerce and Labour;

We sanction and we promulgate what follows:

ART. 1.

All persons who have in concession public services of transports and who, owing to war events, suffered the loss, ruin and deterioration of fine art, manufactured goods, buildings, permanent installations, rolling stock or track equipment, indiscreet for the operation, must assume their

approves the contents of the law concerning railways in concession to private enterprises, tramways and motor cars;

seen the Royal Law Decree of the 2nd August 1929, No. 2150, concerning the concession of railways and other means of transports and the technical and administrative maintenance of the operating railway lines;

seen the Law of the 28th September 1939, No. 2319, concerning the discipline of motor transports of passengers, luggage and agricultural packages in regime of concession to private industry;

seen the article 4 of the Lictenancy Law Decree of the 25th June 1944, No. 153.

seen the Royal Law Decree of the 10th October 1943, No. 2/3 and successive modifications;

seen the deliberation of the Minister's Council;

On proposal of the Minister of Communications, in agreement with the Home Secretary and the Ministers of Grace and Justice, Finance, Treasury, War, Public Works, Agriculture and Forestry, Industry, Commerce and Labour;

We sanction and we promulgate what follows:

ART. 1.

All persons who have in concession public services of transports and who, owing to war events, suffered the loss, ruin and deterioration of fine art, manufactured goods, buildings, permanent installations, rolling stock or track equipment, indispensable for the operation, must denounce their damage to the Ministry of Communications - General Inspectorate of civil motorisation and transports in concession.

ART. 2

The grantees, reference to the above article, in order to re-operate and keep efficient all services, see Art. 205 and following of the Royal Decree of the 9th May 1919, No. 1447, can benefit, if they ask for it, of an economic support of the Government, in the limits and with the modalities ordered by this

2693

Decree, with no prejudice for indemnity, reference to the Royal law-decree of the 26th October 1940, No. 1543.

ART. 3.

Demarcations and requests for the economic support of the Government to keep efficient all the services, must enclose the plans and an estimate of expenses for the works and supplies and must be addressed to the competent compartmental Inspectorate of civil motorisation and transports in concession, within sixty days from the date from which the decree will become effective.

For the losses suffered after this date, demarcations and requests will be addressed respectively within ten or thirty days from the date of the event.

The above mentioned limit can be delayed by the Inspectorate, when the possibility of observing them has been proved.

ART. 4.

The compartmental Inspectorate, upon receipt of a report, will value in gross examination the damages suffered by the grantee and will make a technical report of the works, supplies and expenses necessary for the operation.

The report is submitted and examined by a special Commission, part of the Ministry of Communications - General Inspectorate of civil motorisation and transports in concession, who will be appointed with a Royal decree, proposed by the Minister of Communications.

ART. 5.

The Commission, reference to the last paragraph of the above said article, is administered by the Minister of Communications and in his absence he will be represented by the Under Secretary of State for Railways, civil motorisation and transports in concession.

The Commission is composed:

- of four officials of the Administrative section and of four officials of the technical section of the General Inspectorate of civil motorisation and transports in concession

- of two officials of the General direction of the Treasury and of one of the general accounts of the Government, who is named by the Minister of Communications.

the central section

For the losses suffered after this date, remunerations and requests will be addressed respectively within ten or forty days from the date of the event.

The above mentioned limit can be delayed by the Inspector-etc, when the possibility of observing them has been proved.

ART. 4.

The compartmental Inspectorate, upon receipt of a report, will value in cross examination the damages suffered by the grantees and will make a technical report of the works, supplies and expenses necessary for the operation.

The report is submitted and examined by a special Commission, part of the Ministry of Communications - General Inspectorate of civil motorization and transports in concession, who will be appointed with a royal decree, proposed by the Minister of Communications.

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The Commission is composed:

- of four officials of the Administrative section and of four officials of the Technical section of the General Inspectorate of civil motorization and transports in concession;

- of two officials of the general direction of the Treasury and of one of the general accounts of the Government, who is named by the Minister of Communications.

- of an official belonging to the economic control section of the General Inspectorate of civil motorization and transports in concession and who must not be inferior to the sixth category.

- of two officials of the general Inspectorate of civil motorization transports in concession, not inferior to the ninth category and who will have the duties of secretaries.

For the validity of the Society's meetings, the presence of at least seven members, including the President is necessary.

Decisions are taken by majority of votes. When there is equality of votes, the President's vote prevails.

ART. 6.

The Commission, after having examined the plans and after having examined the accounts, the technical report (ref. Art. 4) decides:

- a) of the necessity of the works and supplies for the operation of the public service of transport.
- b) of the priority of these works and supplies compared with the public interest, after considering the necessity of the operation or the general conditions of traffic.
- c) of the modalities and conditions of the accomplishments of these works and supplies.

a) of the investment of the capital already fixed.

d) of the amount of the economic support from the Government.

f) of the amount of the accounts eventually necessary for initiation of works and the modalities of their disposal.

ART. 7.

The Government will issue no economic support:

- for the total or partial reconstruction of works with a span superior to three metres, and of small abutment walls.
- for the running, settlement, restoring of the ballast, with the exclusion of the track.
- for the reconstruction, settlement and recovering of station yards, with the exclusion for the equipment and the signalling.

ART. 8.

The economic support of the Government cannot surmount

half of the expenses necessary to the reconstruction

- b) of the priority of these works and supplies compared with the public interest, without considering the necessity of the operation or the general conditions of traffic.
- c) of the modalities and conditions of the accomplishment of these works and supplies.
- d) of the investment of the capitals already fixed.
- e) of the amount of the economic support from the Government.
- f) of the amount of the economic support from the Government.
- g) of the amount of the economic support from the Government.

ART. 7.

The Government will issue no economic support.

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- for the reconstruction, settlement and recovering of station yards, with the exclusion for the equipment and the signalling.

ART. 8.

2678

The economic support of the Government cannot surpass:

- half of the expenses necessary to the reconstruction of the passenger's buildings, goods stores, cottages for g-way inspectors, depots and repair shops;
- two thirds of the expenses necessary for the repair and re-operation of the damaged rolling stock belonging to the grantees;
- three fourths of the expenses necessary:
 - a) for the purchase of new rolling material substituting the loss of damaged stock;
 - b) for the reconstruction, settlement and restoring of the track, including also that of the station yards;

- e) for the reconstruction, settlement and recovering of signalling and interlocking installations;
- d) for the operation of overhead electric equipment and telegraph telephone lines and their poles.

ART. 2.

The Government will give his financial support for those railway lines of pre-eminant public interest every time the Commission will judge, after having verified it, that the grantees cannot provide by themselves. In this occasion the Minister of Treasury, in agreement with the Minister of Communications, can authorize the guarantee of the Government for the payment of interests and for banking advances, reference to the royal law decree of the 16th December 1943, No. 24/3.

ART. 10.

If the grantee has already incurred expenses for accomplished or initiated works of re-operation and for the restoring of installations and rolling stock, he can enclose them in the estimated accounts in order to establish the Government's support.

The sums already disbursed for this purpose will be deducted from future accounts.

ART. 11.

The responsibility of financial supports is authorized with a decree of the Minister of Communications in agreement with the Minister of Treasury.

The decree will be notified to the Financial Administration reference to Art. 23 of the Royal law decree of the 26 Oct. 1940, No. 1543.

ART. 12.

The performance of works and supplies belongs to the grantees, under the supervision of the Governmental Inspectorate of Civil Construction and Transports in concession, following the present dispositions and the decisions of the Commission, within the date fixed by this one.

ART. 13.

If eventually the grantee does not initiate the works in the fixed time and does not respect his duties, reference to Art. 106 and following of the only text of the 5th May 1912, No. 1447, the Art. 124 of the only said text will be enforced, modified by the Royal law-decree of the 4th June 1916, No. 1336.

The same disposition can be enforced whenever works and

and authorized the guarantee of the Government only for the payment of interest and for banking advances, reference to the royal law decree of the 15th November 1941, No. 1543.

ART. 10

If the grantee has already incurred expenses for accomplished or initiated works of re-operation and for the reworking of installations and rolling stock, he can enclose them in the estimated accounts in order to establish the Government's support.

The sums already disbursed for this purpose will be deducted from future accounts.

ART. 11

The correspondence of financial support is authorized with a decree of the Minister of Communications in agreement with the Minister of Economy.

The decree will be notified to the Financial Administration reference to Art. 11 of the Royal law decree of the 26 Oct. 1940, No. 1543.

ART. 12

The performance of works and supplies belongs to the grantees, under the supervision of the Commercial Inspectorate of Civil Motorisation and Transport in concession, following the present dispositions and the decisions of the Commission, within the date fixed by this one.

ART. 13

If eventually the grantee does not initiate the works in the fixed time and does not respect his duties, reference to Art. 106 and following of the only text of the 5th May 1912, No. 1447, the Art. 124 of the only said text will be enforced, modified by the Royal law-decree of the 4th June 1936, No. 1336.

The same disposition can be enforced whenever works and supplies are left unfinished or when tested, they result different from the instructions and orders, reference to Art. 6.

ART. 14

The rolling material is the property of the Government for a value corresponding to the amount of the financial support, issued for substituting and repairing the lost, destroyed or damaged material. The Commission will fix how much will be conferred to the Government, reference Art. 5.

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W. J. J.

ART. 12.

The amount of all other financial supports, referred to in Art. 8, will be retained to the Government without interests *Mont* with a number of conditions, which will be fixed by the Ministry of Communications in agreement with the Ministry of Treasury.

The ~~status of extinction~~ will be entered in the operating account three years after the conclusion of peace.

The expenses, which will remain charged to the ~~grantee~~ *grantee* will be incurred one year after their laying out and the ~~status of extinction~~ will be fixed by the Ministry of Communications.

of representing in the
ART. 13.

The communications and requests of financial supports, the documents necessary to justify the petitions, the minutes of accounts, the acts of liquidation and test, the acts and contracts necessary for the operation of works are exempted from stamp taxes, from Government concessions and registered taxes.

ART. 17.

The Commission instituted in the Article 7 of the mentioned law decree of the 3rd of February 1917, No. 33, is appointed and its attribution, including those of the 22.5 of the Royal Law-Decree of the 11th August 1917, No. 1608, are delegated to the Commission instituted with Articles 5 and 6 of the present decree, who will judge also of the economic measures and tariffs at grantee's favor.

ART. 18.

The Minister of Treasury in order to ensure the operation of this decree, is authorized to introduce, with new decrees, modifications to the budget.

ART. 19.

The Minister of Communications, in agreement with the Ministers of Treasury and Finance, is authorized to issue supplementary and temporary rules and regulations.

ART. 25.

For the territory of the State not yet liberated and not under the administration of the Italian Government, this decree will become effective only after special decrees of the Minister

2678

of exhibition will be fixed by the Ministry of Communications.

of (depending on the character of exhibition)

ART. 15.

The communications and requests of financial supports, the documents necessary to justify the petitions, the minutes of committee, the acts of legislation and test, the acts and certificates necessary for the operation of works are exempted from stamp taxes, from Government expenditures and registered taxes.

ART. 17.

The Commission instituted with the article 7 of the Montevideo law decree of the 21st of February 1919, No. 203, is suppressed and its attribution, including those of the 22.5 of the Royal law-decree of the 21st August 1917, No. 1660, are delegated to the Commission instituted with Articles 5 and 6 of the present decree, who will judge also of the economic measures and tariffs at grantee's favour.

ART. 18.

The Minister of Treasury in order to ensure the operation of this decree, is authorized to introduce, with new decrees, modifications to the budget.

ART. 19.

The Minister of Communications, in agreement with the Ministers of Treasury and Finance, is authorized to issue supplementary and temporary rules and regulations.

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ART. 20.

For the territory of the State not yet liberated and not under the administration of the Italian Government, this decree will become effective only after special decrees of the Minister of Communications.

ART. 21.

This decree will become effective when it will be published in the official Gazette (Gazzetta Ufficiale) of the Kingdom. All those concerned are hereby ordered to comply and to see that it is treated as a State law.

Phone 478410

44/54
Thru Min. of Finance
Phone 489091 Ext. 421

HEADQUARTERS
ALLIED CONTROL COMMISSION
FINANCE SUB-COMMISSION
Budget Sub-Section
APO 394

20 October 1944

13194/P.

SUBJECT: War Damage State Railways under
Concession to Private Firms.

TO : Transportation sub-Commission.

1. With reference to your Tn/44/52 of 13th instant;
I return herewith the Decree and the Statistical Report.
2. On further consideration of this matter the Finance
sub-Commission has no objection to offer to the provisions
of the decree.


AUDLEY H.F. STEPHAN
Lt. Col. F.A.
Chief Budget Officer.

JRHE/cl

2675

ACF/HL

HEADQUARTERS
ALLIED CONTROL COMMISSION
Transportation Sub-Commission
APC 394

Tel: 478704

Our Ref: ACC.M/44/52

13 October 1944

TO : Finance Sub-Commission, HQ. ACC

SUBJECT: Private Railways

1. Reference is to your letter 13194/F of 10 Oct. '44.

2. An attempt was made in the August report of this Sub-Commission to give a brief picture of the set up of Private Railways, although no elaborate thesis was intended, but possibly the report has not received your attention.

2. All private Railways in Italy are in concession from the State with the possible exception of a few industrial lines, such as the Val di Neto line at Crotone and the Ribolla lignite mine branch, both of which are the property of the Montecatini firm.

4. From the charts in the Statistical Report attached (please return in due course) it will be seen that very little profit has come to the Private Railways as a whole. It will also be noted that stamp duty ensures a certain return to the State.

5. This Sub-Commission will welcome any further comments you may have to make, so far as the financial position is concerned

6. A copy of the original decree is attached hereto, and copy of the correspondence has already been submitted to Legal Commission as indicated in my letter of 6 October 1944.

Re. Railways
D.S. ADAMS
Colonel, C.B.

1. Reference is to your letter 13194/F of 10 Oct. '44.

2. An attempt was made in the August report of this Sub-Commission to give a brief picture of the set up of Private Railways, although no elaborate thesis was intended, but possibly the report has not received your attention.

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R. Rubin's copy
D.S. ADAMS
Colonel, C.E.
Director, Trin. Sub-Comm. 2674

Enclosures: 2

(1. Statistical Report)
(2. Original Decree)

Copy to: Legal Sub-Commission.

HEADQUARTERS
ALLIED CONTROL COMMISSION
FINANCE SUB-COMMISSION
APO 394

44/51

10 October 1944.

13194/F

SUBJECT: War Damage - Privately Owned Railways.
TO : Transportation Sub-Commission. ✓

1. Your letter ACC Tn/44 of 6th October, 1944, refers to "privately owned railways" whereas our enquiry was about "State Owned" railways operated under concession by private firms.
2. The draft decree you enclosed does not precisely define ownership, although it can be inferred from the phraseology that the "operators" are only lessees.
3. The provisions in Articles 15 and 16 do not seem to be justified. If these private firms are working on a profit-earning basis, there does not seem to be any valid reason why they should not pay interest on loans, or be exempted from stamp taxes. It is observed that the decree sets up no appropriation in the budget, and it is felt that if the State has an obligation to make good this damage it should be by outright grant; if, on the other hand, it has no such obligation, the financing should be by loans at interest from banks, repayment being guaranteed by the State.
4. In article 19 the word "supplementary" suggests that the named Ministers may make rules beyond the powers given in the decree.
5. Article 20 should be referred to the Legal Sub-Commission.
6. It is requested that, with your reply, a copy of the draft decree in Italian, be enclosed.

A.P. Grassey Smith

Col

Joint Director,
Finance Sub-Commission.

2673

ACF/NA

HEADQUARTERS
ALLIED CONTROL COMMISSION
Transportation Sub-Commission
APO 394

Tel. 478701

6 October 1944

ACC.Tn/44 /50

TO : Finance Sub-Commission, HQ. ACC

SUBJECT: War damages: Privately owned Railways

1. Reference is to your letter 131947 of 30 Sept. '44.
2. It is presumed that the appropriation of 50 million lire for repair of war damage to Private Railways in concession is based on a proposed decree which is at the moment receiving attention of this Sub-Commission.
3. A copy of the decree is appended hereto and your observations would be welcomed.

D.S. Adams
D.S. ADAMS
Colonel, C.E.
Director, Tn. Sub. Comm.

Copy to: Legal Sub. Comm.
Economic Section

Enclosure: 1.
(Copy of decree)

2672

44/49

HEADQUARTERS
ALLIED CONTROL COMMISSION
FINANCE SUB-COMMISSION
APO 394
Tels. 417 and 553

30 September 1944.

13194/F

SUBJECT: War Damage - State Railways privately operated.
TO : Transportation Sub-Commission. ✓

1. In the Ministry of Communications budget there is an appropriation of 50 million lire under capitolo 45 for the repair of war damage to State Railways, etc. under the operation of private firms.

2. Information is requested as to any projects of approved expenditures under this capitolo, giving the following details:-

Date of approved estimate,
Expenditure approved,
Section of line,
Locality and province.

for *B. L. Timmons*
Joint Director,
Finance sub-Commission.

9571

44/48

MINISTRY OF COMMUNICATIONS

Rome, 15 September 1944.

Ref.No.UL/150/6649

SUBJECT: Scheme of Law-Decree
"Extraordinary providences for the re-operation
of public transport services in concession to
private industry".

TO : Allied Control Commission
Economic Section
Transportation Sub-Commission, Rome

For the next Minister's Council I will suggest
the above said scheme of law-decree.

I therefore inform the Allied Control Commission
of its contents.

(sgd) The Minister
CERABONA

2670

SCHEME OF LIEUTENANCY LAW - DECREE

"Extraordinary providences for the re-operation of public transports services in concession to private industry".

UMBERTO OF SAVOY, Prince of PIMONTE
Lieutenant-General of the Kingdom.

By virtue of Authority granted me:

seen the Royal decree of the 9th May 1922, No.1447: which approves the contents of the law concerning Railways in concession to private enterprises, tramways and motor-cars;

seen the Royal law decree of the 2nd August 1929, No.2150: concerning the concession of Railways and other means of transports and the technical and administrative maintenance of the operating railway lines;

seen the law of the 28th September 1939, No.1839: concerning the discipline of motor transports of passengers, luggage and agricultural packages in regime of concession to private industry;

seen the article 4 of the Lieutenantancy of law decree of the 25th June 1944, No.151.

seen the Royal law decree of the 30th October 1943, No.2/E and successive modifications;

seen the deliberation of the Minister's Council:

On proposal of the Minister of Communications, in agreement with the Home Secretary and the Ministers of Greece and Justice, Finance, Treasury, War, Public Works, Agriculture and Forests, Industry, Commerce and Labour;

We sanction and we promulgate what follows:

ART.1.

All persons who have in concession public services of transports, and who, owing to war events, suffered the loss, ruin and deterioration of fine Art, manufactured goods, buildings,

seen the Royal decree of the 9th May 1922, No.1447: which approves the contents of the law concerning Railways in concession to private enterprises, tramways and motor-cars;

seen the Royal law decree of the 2nd August 1929, No.2150: concerning the concession of Railways and other means of transports and the technical and administrative maintenance of the operating railway lines;

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seen the article 4 of the lieutenancy of law decree of the 25th June 1944, No.151.

seen the Royal law decree of the 30th October 1943, No.2/B and successive modifications;

seen the deliberation of the Minister's Council;

On proposal of the Minister of Communications, in agreement with the Home Secretary and the Ministers of Grace and Justice, Finance, Treasury, War, Public Works, Agriculture and Forests, Industry, Commerce and Labour;

We sanction and we promulgate what follows:

ART.1.

All persons who have in concession public services of transports, and who, owing to war events, suffered the loss, ruin and deterioration of fine art, manufactured goods, buildings, permanent installations, rolling stock or track equipment, indispensable for the operations, must denounce their damage to the Ministry of Communications - General Inspectorate of civil motorisation and transports in concession.

2809

ART.2

The grantees, reference to the above article, in order to re-operate and keep efficient all services, ref.Art.106 and following of the royal decree of the 9th May 1919, No.1447, can benefit, if they ask for it, of an economic support of the Government, in the limits and with the modalities ordered by this

decree, with no prejudice for indemnity, reference to the Royal law-decree of the 26th October 1940, No. 1543.

ART. 3.

Demnunciations and requests for the economic support of the Government to keep efficient all the services, must enclose the plans and an estimate of expenses for the works and supplies and must be addressed to the competent compartmental Inspectorate of civil motorisation and transports in concession, within sixty days from the date from which the decree will become effective.

For the losses suffered after this date, denunciations and requests will be addressed respectively within ten or forty days from the date of the event.

The above mentioned limit can be delayed by the Inspectorate, when the impossibility of observing them has been proved.

ART. 4

The compartmental Inspectorate, upon receipt of a report, will value in gross examination the damages suffered by the grantee and will make a technical report of the works, supplies and expenses necessary for the operation.

The report is submitted and examined by a special Commission, part of the Ministry of Communications - General Inspectorate of civil motorisation and transports in concession - who will be appointed with a Royal decree, proposed by the Minister of Communications.

ART. 5.

The Commission, reference to the last paragraph of the above said article, is administered by the Minister of Communications and in his absence he will be represented by the Under Secretary of State for Railways, civil motorisation and transports in concession.

The Commission is composed:

- of four officials of the Administrative section and of four officials of the technical section of the General Inspectorate of civil motorisation and transports in concession;

- of two officials of the general direction of the Treasury and of one of the general accounts of the Government, who is named by the Minister of Communications.

- of an official belonging to the economic control section of the General Inspectorate of civil motorisation and transports

For the losses suffered after this date, denunciations and requests will be addressed respectively within ten or forty days from the date of the event.

The above mentioned limit can be delayed by the Inspectorate, when the impossibility of observing them has been proved.

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The report is submitted and examined by a special Commission, part of the Ministry of Communications - General Inspectorate of civil motorisation and transports in concession - who will be appointed with a Royal decree, proposed by the Minister of Communications.

ART. 5

The Commission, reference to the last paragraph of the above said article, is administered by the Minister of Communications and in his absence he will be represented by the Under Secretary of State for Railways, civil motorisation and transports in concession.

The Commission is composed:

- of four officials of the Administrative section and of four officials of the technical section of the General Inspectorate of civil motorisation and transports in concession:
- of two officials of the general direction of the Treasury and of one of the general accounts of the Government, who is named by the Minister of Communications.
- of an official belonging to the economic control section of the General Inspectorate of civil motorisation and transports in concession and who must not be inferior to the sixth category.
- of two officials of the general Inspectorate of civil motorisation and transports in concession, not inferior to the ninth category and who will have the duties of secretaries.

For the validity of the Society's meetings, the presence of at least seven members, including the president is necessary.

Decisions are taken by majority of votes. When there is equality of votes, the president's vote prevails.

ART. 6.

The Commission, after having examined the plans and after having examined the accounts, the technical report (ref. Art 4) decides:

- a) of the necessity of the works and supplies for the operation of the public service of transport.
- b) of the priority of these works and supplies compared with the public interest, either considering the necessity of the operation or the general conditions of traffic.
- c) of the modalities and conditions of the accomplishment of these works and supplies.
- d) of the investment of the capitals already fixed.
- e) of the amount of the economic support from the Government.
- f) of the amount of the accounts eventually necessary for initiation of works and the modalities of their disposal.

ART. 7.

The Government will issue no economic support:

- for the total or partial reconstruction of works with a span inferior to three metres and of small abutment walls.
- for the remodeling, settlement, restoring of the ballast, with the exclusion of the track.
- for the reconstruction, settlement and recovering of station yards, with the exclusion for the equipment and the signalling.

ART. 8

The economic support of the Government cannot surpass:

- half of the expenses necessary to the reconstruction of the passenger's buildings, goods stores, cottages for p-way

- a) of the necessity of the works and supplies of the public service of transport.
- b) of the priority of these works and supplies compared with the public interest, either considering the necessity of the operation or the general conditions of traffic.
- c) of the modalities and conditions of the accomplishment of these works and supplies.
- d) of the investment of the capitals already fixed.
- e) of the amount of the economic support from the Government.
- f) of the amount of the accounts eventually necessary for initiation of works and the modalities of their disposal.

ART. 7.

The Government will issue no economic support:

- for the total or partial reconstruction of works with a span inferior to three metres and of small abutment walls.
- for the remaking, settlement, restoring of the ballast, with the exclusion of the track.
- for the reconstruction, settlement and recovering of station yards, with the exclusion for the equipment and the signalling.

ART. 8

The economic support of the Government cannot surpass:

- half of the expenses necessary to the reconstruction of the passenger's buildings, goods stores, cottages for p-way inspectors, depots and repair shops:
- two thirds of the expenses necessary for the repair and reoperation of the damaged rolling stock belonging to the grantee:
- three fourths of the expenses necessary:
 - a) for the purchase of new rolling material substituting the lost or damaged stock;
 - b) for the reconstruction, settlement and restoring of the track, including also that of the station yards; 2687

- c) For the reconstruction, settlement and recovering of signalling and interlocking installations;
- d) For the operation of overhead electric equipment and telegraph telephone lines and their poles.

ART. 9.

The Government will give his financial support for these railway lines of pre-eminent public interest every time the Commission will judge, after having verified it, that the grantees cannot provide by themselves. In this occasion the Minister of Treasury, in agreement with the Minister of Communications, can authorize the guarantee of the Government for the payment of interests and for banking advances, reference to the royal law-decree of the 16th December 1943, No. 26/B.

ART. 10.

If the grantee has already incurred expenses for accomplished or initiated works of re-operation and for the restoring of installations and rolling stock, he can enclose then in the estimated accounts in order to establish the Government's support.

The sums already disbursed for this purpose will be deducted from future accounts.

ART. 11.

The corresponsion of financial supports is authorized with a decree of the Minister of Communications in agreement with the Minister of Treasury.

The decree will be notified to the financial Administration, reference to Art. 23 of the Royal Law-decree of the 26 Oct. 1940, No. 1543.

ART. 12.

The performance of works and supplies belongs to the grantees, under the supervision of the Compartmental Inspectorates of Civil Motorization and Transports in concession, following the present dispositions and the decisions of the Commission, within the date fixed by this one.

ART. 13.

If eventually the grantee does not initiate the works in the fixed time, and does not respect his duties, reference to Art. 106 and following of the only text of the 9th May 1912, No. 1447, it is enforced the Art. 134 of the said only text,

of the 11th June 1916, No. 1316.

2800

Communications, can authorize the guarantee of the Government for the payment of interests and for banking advances, reference to the royal law-decree of the 16th December 1942, No. 26/B

ART. 10.

If the grantee has already incurred expenses for accomplished or initiated works of re-operation and for the restoring of installations and rolling stock, he can enclose them in the estimated accounts in order to establish the Government's support.

The sums already disbursed for this purpose will be deducted from future accounts.

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ART. 13.

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The same disposition can be enforced whenever works and supplies are left unfinished or when tested, they result different from the instructions and orders, reference to Art. 6.

ART. 14.

The rolling material is the property of the Government for a value corresponding to the amount of the financial support, issued for substituting and repairing the

lost, destroyed or damaged material. The Commission will fix how much will be conferred to the Government, reference Art.5.

ART.12

The amount of all other financial supports, reference Art.8, will be refunded to the Government without interests with a number of annuities, which will be fixed by the Ministry of Communications in agreement with the Ministry of Treasury.

The shares of extinction will be enlisted in the operating account three years after the conclusion of peace.

The expenses, which will remain charged to the grantee will be inscribed one year after their laying out and the shares of extinction will be fixed by the Ministry of Communications in agreement with the Ministry of Treasury.

ART.16.

The denunciations and requests of financial supports, the documents necessary to justify the petitions, the minutes of assurance, the acts of liquidation and test, the acts and contracts necessary for the operation of works are exempted from stamp taxes, from Government concessions and registered taxes.

ART.17.

The Commission instituted with the Article 7 of the Lieutenantancy law-decree of the 23rd of February 1919, No.303, is suppressed and its attribution, including those of the Art.5 of the Royal law-decree of the 28th August 1927, No.1668, are delegated to the Commission instituted with Articles 5 and 6 of the present decree, who will judge also of the economic measures and tariffs at grantee's favour.

ART.18.

The Minister of Treasury in order to assure the operation of this decree, is authorised to introduce, with new decrees, modifications to the budget.

ART.19

The Minister of Communications, in agreement with the Ministers of Treasury and Finance, is authorised to issue supplementary and temporary rules and regulations.

ART.20.

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The expenses, which will remain charged to the grantee will be inscribed one year after their laying out and the shares of extinction will be fixed by the Ministry of Communications in agreement with the Ministry of Treasury.

ART.16.

The denunciations and requests of financial supports, the documents necessary to justify the petitions, the minutes of assurance, the acts of liquidation and test, the acts and contracts necessary for the operation of works are exempted from stamp taxes, from Government concessions and registered taxes.

ART.17.

The Commission instituted with the Article 7 of the Maintenance law-decree of the 23rd of February 1919, No.303, is suppressed and its attribution, including those of the Art.5 of the Royal law-decree of the 28th August 1917, No.1668, are delegated to the Commission instituted with Articles 5 and 6 of the present decree, who will judge also of the economic measures and tariffs at grantee's favour.

ART.18.

The Minister of Treasury in order to assure the operation of this decree, is authorised to introduce, with new decrees, modifications to the budget.

ART.19

The Minister of Communications, in agreement with the Ministers of Treasury and Finance, is authorised to issue supplementary and temporary rules and regulations.

ART.20.

For the territory of the State not yet liberated and not under the Administration of the Italian Government, this decree will become effective only after special decrees of the Minister of Communications.

ART.21

This decree will become effective when it will be published in the Official Gazette (Gazzetta Ufficiale) of the Kingdom. All those concerned are hereby ordered to treat and to see that it is treated as - State law.

