

Decision No. 18734.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

ORIGINAL

In the Matter of the Application of
R. C. DEARBORN as agent for California
carriers, parties to National Perishable
Freight Committee Perishable Pro-
tective Tariff No. 3, C.R.C. No. 2,
for an order authorizing carriers to
publish a charge for ice supplied to
less than carload shipments delayed in
unloading at destination points.

Application No. 13698.

F. W. Mielke, for Southern Pacific Company, applicant.
L. H. Wolters, for Golden State Milk Products Company,
protestant.
Edson Abel, for California Farm Bureau Federation.

BY THE COMMISSION:

O P I N I O N

This is an application filed April 4, 1927, by the National Perishable Freight Committee, by R. C. Dearborn, Agent, on behalf of all interested carriers under the provisions of Section 63 of the Public Utilities Act for permission to establish, in National Perishable Freight Committee, Perishable Protective Tariff No. 3, C.R.C. No. 2, Paragraph (H) to Rule No. 630-C.

The paragraph reads as follows:

"After arrival of car at final destination and tender to consignee for delivery, and up to the time car is in process of unloading on team tracks, or until car has been placed on private or assigned siding, carriers will examine bunkers or tanks daily, and unless written instructions from shipper, owner or consignee, are received to the contrary, when such cars require additional ice or ice and salt during such period they will be re-iced to capacity. (See Rule 105 of Tariff.) The charges for ice or ice and salt will be in accordance with the charges published in Section No. 4 (Table No. 125, Items 11100 to

11156, inclusive of tariff, or as amended). Before re-icing cars at destination carriers will make reasonable effort to secure instructions from consignee."

A public hearing was held before Examiner Geary at San Francisco August 9, 1927, and the application having been duly submitted is ready for our opinion and order.

This paragraph to Rule 630 was first published in Supplement No. 8, effective January 10, 1927, and was flagged as bringing about both reductions and advances. Interested shippers protested, claiming that the advances in the charges were unjust, and the paragraph was suspended pending action on the formal docket. This rule published in Section No. 6 of the tariff makes special provisions governing less than carload shipments in individual cars of commodities under refrigeration forwarded from one consignor at one point of origin to one or more consignees at one or more destinations, with the freight charges assessed on the basis of not less than 15,000 pounds per car. It is governed by Rule 600, which provides that no charge will be made for the services of icing or re-icing. Applicants' contention is that Paragraph (H) in actual effect brings about neither increases nor reductions, and is being published to clarify the tariff.

Under the rule as now published some shippers have contended that carriers must protect the commodities by proper refrigeration until the car is completely unloaded, including the period of time after delivery of the lading has been accepted by the consignee. It is applicants' contention that the tariff can not be interpreted as providing this privilege, and also that refrigerator cars should not be kept out of the transportation service and employed as cold storage plants for consignees who fail to unload within the free time limit. However, delays in

unloading this class of perishable freight are not of frequent occurrence in California.

The paragraph proposed is now in effect on interstate traffic and also within all states of the United States except California.

Protestants offered no testimony in opposition to the changes, but in their cross-examination of witnesses and in the arguments contended that refrigerated less-than-carload shipments should be given the same protection during the period of unloading as is provided for straight carloads of perishable freight under the provisions of Rule 225 of Section 2 of the tariff, which rule provides that the bunkers will be three fourths full upon arrival on the delivery tracks.

Applicants amended the petition and stipulated that Paragraph (E) of Rule 630 would be governed by the same service and unloading privileges as is now provided for carload shipments under the provisions of Rule 225 of the tariff. Protestants approved the stipulation and withdrew all objections.

After careful consideration of all the evidence we are of the opinion that the application as amended should be granted.

O R D E R

The National Perishable Freight Committee, by R. C. Dearborn, Agent, on behalf of all interested carriers having filed an application for permission to publish and establish Paragraph (E) to Rule No. 630 of Perishable Protective Tariff No. 3, C.R.C. No. 2, and a regular hearing having been held, and basing its conclusions on the opinion which precedes this order,

IT IS HEREBY ORDERED that the said application as

amended at the hearing be and the same is hereby granted.

Dated at San Francisco, California, this 18th day
of August, 1927.

Clarence
Leon Whitell
Thos S. Rickett
M. A. Carr
Commissioners.