

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

Decision No. 1290

In the matter of the application of Pacific Freight Tariff Bureau, F. W. Gomph, Agent, for an order granting permission to publish in Bureau Exception Sheet No. 1-C, C.R.C. No. 70, the following ratings:

"Carriers, new or old, not otherwise indexed by name, viz: Oil Barrels or drums, iron or steel, and Glycerine Barrels or drums, iron or steel, minimum carload weight 16,000 lbs., subject to Rule 6-B of current Western Classification -

ICL 1st Class
CL Class "B"

Application No. 931.

F. W. Gomph, for Pacific Freight Tariff Bureau.
G. D. Squires, for Southern Pacific Company.
E. W. Camp, for The Atchison, Topeka & Santa Fe Railway, Coast Lines.

LOVELAND, Commissioner:

OPINION

This is an application under Section 63 of the Public Utilities Act, by carriers parties to Pacific Freight Tariff Bureau Exception Sheet No. 1-C, C.R.C. 70, for an order granting authority to change the classification of oil barrels or drums.

The exception sheet now provides in Item No. 29-1:

CARRIERS, NEW OR OLD, VIZ.:

Iron Oil Drums, minimum carload weight 16000 lbs., subject to Rule 6-B of current Western Classification -

ICL 3d Class
CL Class "B"

It is proposed to change the item to read as follows:

CARRIERS, NEW OR OLD, NOT OTHERWISE INDEXED BY NAME, VIZ:

Oil Barrels, or Drums, iron or steel, and Glycerine Barrels or Drums, iron or steel, minimum carload weight 16,000 lbs., subject to Rule 6-B of current Western Classification -

ICL 1st Class
CL Class "B"

Prior to June 30, 1913, Western Classification No. 51,

C.R.C. 75, provided for drums, not otherwise indexed by name,

Third Class less-carloads, and Class "A", minimum 24,000 pounds, for carloads. On June 30, 1913, Item 358 in Supplement 4 was published and provided special ratings for oil drums of First Class, less-carloads, and Class "B", minimum 16,000 pounds, for carloads. The increase in less-carload rating, not having been authorized, was unlawful and original Third Class rating was restored by the publication of Item 29-1, referred to above.

The application alleges that an iron oil drum and an iron oil barrel are one and the same thing, the trade using the names interchangeably, also that it is a discrimination to apply Third Class on an iron oil drum which is sometimes called a barrel, and, at the same time, assess upon a wooden barrel or an iron oil barrel First Class, with which the drum competes. The weight of an oil drum, an iron oil barrel, and a wooden barrel are substantially the same.

Testimony of witnesses was to the effect that practically no new drums are moved locally within the State of California; that the drums and barrels actually transported are returning carriers at 15 per cent of the class rate applying to the new package. The proposed change, therefore, is only an advance from 15 per cent of Third Class to 15 per cent of First Class for less-carload shipments and from 15 per cent of Class "A" with a minimum of 24,000 pounds to 15 per cent of Class "B" with a minimum of 16,000 pounds for carloads. The new carload rate is, therefore, a reduction.

It is apparent to me that no injury can be done by granting this application for the increases against less-carload shipments are nominal, while the decreases in carload charges are quite substantial. The change also has merit in that it removes the ambiguity now existing in the description of the articles and eliminates the discrimination between the iron drum and the iron or wooden barrel. Uniformity is desired, and this change will give the articles in question practically the ratings now provided in the Western Classification.

The Commission received an informal protest from one interested shipper, but, notwithstanding the fact that direct notice of the hearing was given to this firm and other dealers, no one appeared at the hearing to protest against the change.

I recommend the following order,-

O R D E R.

The carriers parties to Pacific Freight Tariff Bureau Exception Sheet No. 1-C, C.R.C. 70, having filed an application to publish in said exception sheet the following item:

CARRIERS, NEW OR OLD, NOT OTHERWISE INDEXED BY NAME, VIZ:
Oil Barrels or Drums, iron or steel, and Glycerine
Barrels or Drums, iron or steel, minimum carload weight
16,000 lbs., subject to Rule 6-B of Western Classification.-
LCL 1st Class
CL Class "B"

and a regular hearing having been held,

IT IS HEREBY ORDERED that the carriers parties to Pacific Freight Tariff Bureau Exception Sheet No. 1-C, C.R.C. 70, are hereby authorized to make change in classification as outlined above.

The foregoing opinion and order are hereby approved and ordered filed as the opinion and order of the Railroad Commission of the State of California.

Dated at San Francisco, California, this 19th day of February, 1914.

H. S. H. H. H.
H. S. H. H. H.

H. S. H. H. H.

Max Thelein

Edwin O. Edgerton
Commissioners.