

In the matter of the application of carriers parties to Pacific Freight Tariff Bureau Exception Sheet No. 1-B, C.R.C. No. 52, to amend same to provide that on shipments of hay, straw, including bean straw, and cactus leaves, class rates will apply only where commodity rates are not otherwise specifically provided. Also application by same carriers to increase the minimum weight on hay in carloads to 24,000 lbs., when loaded in cars over 40 feet in length to and including 50 feet in length, inside measurement.....)

Case No. 259

- F. W. Gough, for Pacific Freight Tariff Bureau.
- H. G. Toll, for Southern Pacific Company.
- A. P. Matthew, for Western Pacific Railway Company.
- J. J. Geary, for Northwestern Pacific Railroad Company.
- H. P. Anewalt, for Atchison, Topeka & Santa Fe Railway Company.
- Seth Mann, for Traffic Bureau of the Merchants Exchange of San Francisco.
- J. C. Bracken, for Scott, Wagner & Miller

O P I N I O N

Edgerton, Commissioner:

This was an application on the part of the carriers parties to the Pacific Freight Tariff Bureau to amend Item 63 of Exception Sheet No. 1-B, C.R.C. No. 52, covering minimum carload weights for Hay and Straw, including Bean Straw compressed in bales, and Cactus Leaves, dried in packages, to read:

"Cars over 36 ft. 6 in. in length to and including 40 ft. in length inside measurement, minimum weight 20,000 lbs.
Cars over 40 ft. in length to and including 52 ft. in length inside measurement, minimum weight 24,000 lbs."

Also to provide that Class C rate will apply only in the absence of specific commodity rates.

At the hearing the carriers requested permission to amend the application to read as follows:

"Cars over 36 ft. 6 in. in length to but not including 40 ft. in length inside measurement, minimum weight 20,000 lbs.
Cars 40 ft. in length and over to and including 52 ft. in length inside measurement, minimum weight 24,000 lbs."

At the hearing the carriers introduced considerable testimony to prove that shippers would experience no difficulty in loading cars to the minimum weights mentioned in the amended application.

The testimony of the shippers with reference to their ability to load cars to the proposed minimums was conflicting in many respects. One witness testified that he had never experienced any difficulty in loading 24,000 pounds in a 40 ft. car, while another witness testified that the ability to load 24,000 pounds in a 40 ft. car depended entirely on the width and height of such cars.

We have called on the carriers to furnish considerable data which would enlighten the Commission on this subject, and I am of the opinion that with proper loading, and perhaps a little care in baling, shippers would experience no difficulty in loading cars to the minimum weights as covered by the applicants amended application.

From a most minute examination of a great mass of statistics we have selected at random a few cars, principally those of 40 ft. in length of various widths and heights, which we set out below:

		<u>Point of Shipment</u>							
		<u>LIVERMORE</u>							
<u>Car</u>		<u>Length</u>	<u>Width</u>		<u>Height</u>			<u>Wts.</u>	
GERSA	34378	40. ft.	9 ft.	2 in.	9 ft.	2-1/4 in.		28,800	
CR&N	12212	40 1/8	8 "	6-1/8 "	8 "	0-1/4 "		24,400	
SP	85875	"	8 "	6-1/8 "	8 "	0-1/4 "		28,800	
SP	85529	"	8 "	6 "	8 "	---		27,200	
SP	85648	"	8 "	6 "	8 "	---		28,000	
SP	85346	"	8 "	6 "	8 "	---		24,600	
SP	85637	"	8 "	6 "	8 "	---		20,400	
SP	21691	"	9 "	2 "	9 "	2-1/4 "		25,200	
SP	81940	36 ft.	8 "	6 "	8 "	---		23,590	
SP	82150	39.5 "	9 "	2-1/2 "	7 "	2-1/4 "		17,370	
IN	33027	40 "	8 "	6 "	8 "	---		27,420	
IC	142725	40 1/8	8 "	6-1/8 "	8 "	0-1/4 "		24,520	
UP	73752	40 1/8	9 "	2 "	9 "	2 "		22,800	
UP	71093	40 ft.	8 "	6-1/8 "	8 "	0-1/4 "		23,600	
UP	74114	40 "	9 "	2 "	9 "	2-1/4 "		23,600	
SP	66767	36 "	8 "	2-1/4 "	6 "	7-1/4 "		19,000	
OSL	12513	36 "	8 "	9 "	7 "	4 "		19,500	
SP	77563	36 "	2-3 "	0-1/8 "	7 "	1 "		20,200	
SP	86327	40 "	8 "	6-1/8 "	8 "	0-1/4 "		23,360	
TXO	31114	39.5 "	8 "	2 "	7 "	2 "		22,320	
GESA	31949	36 "	8 "	6 "	8 "	---		24,200	
SP	80415	39.5 "	8 "	2-1/2 "	7 "	2-1/4 "		22,940	

Point of Shipment

LIVERMORE

	<u>Car</u>	<u>Length</u>	<u>Width</u>	<u>Height</u>	<u>Wts.</u>
SP	81742	36 ft.	8 ft. 6 in.	8 ft. 0-1/4 in.	24,310
UP	70664	40 "	8 " 6-1/8 "	8 " 0-1/4 "	28,060
SP	86086	40 "	8 " 6-1/8 "	8 " 0-1/4 "	26,500

PETERSAMTON

O&C	38429	40 ft.	8 ft. 6-1/8 in.	8 ft. 0-1/4 in.	30,400
UP	71328	40 1/8 "	8 " 6-1/8 "	8 " 0-1/4 "	29,400
SP	17420	40 "	9 " 2 "	9 " 2-1/4 "	20,000
SP	16683	40 "	9 " 2 "	9 " 2-1/4 "	20,000
SP	86007	40 "	8 " 6-1/8 "	8 " 0-1/4 "	27,000
MLR	33247	40 "	8 " 6 "	8 " ---	33,000

HOLLISTER

SP	87501	40 ft.	8 ft. 6-1/8 in.	8 ft. 0-1/4 in.	26,530
SP	86998	40 "	8 " 6-1/8 "	8 " 0-1/4 "	25,780
UP	73746	40 1/8 "	9 " 2 "	9 " 2 "	31,590
UP	71999	40 1/8 "	8 " 6-1/8 "	8 " 0-1/4 "	20,100
CM2STEP	76784	40 "	8 " 6 "	8 " ---	25,440
UP	75100	40 1/8 "	9 " 2 "	10 " 2 "	26,860
CBQ	110470	40 "	8 " 7 "	7 " 9-3/4 "	27,410
CBQ	108998	40 "	8 " 7 "	7 " 9-3/4 "	21,380
MLR	33372	40 "	8 " 6 "	8 " ---	22,110
DE	33086	40 "	8 " 6 "	8 " ---	22,350
CRIP	62937	40 "	9 " ---	10 " ---	25,700
MLR	33319	40 "	8 " 6 "	8 " ---	21,390
UP	70845	40 1/8 "	8 " 6-1/8 "	8 " 0-1/4 "	23,220
UP	70819	40 1/8 "	8 " 6-1/8 "	8 " 0-1/4 "	27,200
UP	73668	40 "	9 " 2 "	9 " 2 "	28,600
SP	22764	40 "	9 " 2 "	9 " 2-1/4 "	27,870
UP	72185	40 "	8 " 6-1/8 "	8 " 0-1/4 "	28,420
SP	85130	40 "	8 " 6-1/8 "	8 " 0-1/4 "	22,380
UP	50025	50 "	8 " 7 "	9 " 3 "	31,480
UP	71779	40 "	8 " 6-1/8 "	8 " 0-1/4 "	22,850
GESA	33991	40 "	8 " 6 "	8 " ---	27,070
SP	86578	40 "	8 " 6-1/8 "	8 " 0-1/4 "	24,630
SP	76424	36 "	8 " 0-1/8 "	7 " 1 "	21,290
UP	71524	40 "	8 " 6-1/8 "	8 " 0-1/4 "	20,720
GESA	31875	36 "	8 " 6 "	8 " ---	23,570
UP	71774	40 "	8 " 6-1/8 "	8 " 0-1/4 "	25,750

CONCORD

SP	88696	40 ft.	8 ft. 6-1/8 in.	8 ft. 0-1/4 in.	25,140
SP	23032	40 "	9 " 2 "	9 " 2-1/4 "	32,520
SP	21475	40 "	9 " 2 "	9 " 2-1/4 "	33,160
SP	21211	40 "	9 " 2 "	9 " 2-1/4 "	29,030
SP	20854	40 "	9 " 2 "	9 " 2-1/4 "	37,450
SP	16747	40 "	9 " 2 "	9 " 2-1/4 "	32,540
SP	22975	40 "	9 " 2 "	9 " 2-1/4 "	23,360
OSI	9075	40 "	8 " 6-1/8 "	8 " 0-1/4 "	29,740
UP	70918	40 "	8 " 6-1/8 "	8 " 0-1/4 "	28,740
SP	16705	40 "	9 " 2 "	9 " 2-1/4 "	35,970

Point of Shipment

BYRON

<u>Car</u>	<u>Length</u>	<u>Width</u>	<u>Height</u>	<u>Wts.</u>
SP 87173	40	ft. 8 ft. 6-1/8 in.	8 ft. 0-1/4 in.	23,030
GE 34727	40	" 9 " 2	" 9 " 2-1/4	35,100
CGW 24396	40	" 8 " 6	" 8 " 6	28,620
STL&ST 124812	40	" 8 " 6	" 8 " ---	24,890

WALNUT CREEK

OT 10067	40	ft. 8 ft. 6-1/8 in.	8 ft. 0-1/4 in.	25,890
SP 85807	40	" 8 " 6-1/8	" 8 " 0-1/4	27,700
GES 34311	40	" 8 " 6	" 8 " ---	29,600
SP 61387	40	" 9 " 2	" 10 " ---	40,070

HUGESON

AE 41116	40	ft. 8 ft. 8-5/4 in.	7 " 11-3/4 in.	24,900
AF 40737	40	" 8 " 8-1/8	" 7 " 11-3/4	25,225

HEBERT

O&N 10185	40	ft. 8 ft. 6-1/8 in.	8 ft. 0-1/4 in.	30,940
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FERRIS

AT 26348	36	ft. 8 ft. 6	in. 8 ft. ---	24,135
AT 23618	36	" 8 " 6	" 8 " ---	24,660
AT 43815	36	" 8 " 6	" 8 " ---	24,560

Mr. Murphy testifying as to the conditions at Hollister stated, on page 71 of transcript, that in his opinion 24,000 pounds could not be loaded in an ordinary 40 ft. car at Hollister. An examination of the statistics furnished certainly proves that this is not a fact.

I invite particular attention to car UP 72185, loaded at Hollister in month of August, and containing 28,420 pounds of hay; car SP 85130, loaded in the same month, and being of identical dimensions, was loaded with 22,380 pounds. Again, car GE&S 33991, which is slightly smaller in dimensions than either of these cars, was loaded with 27,070 pounds. Attention is also directed to cars UP 71524 and 71774, being cars of identical dimensions, one containing 5,000 pounds more than the other.

I would again call attention to shipments from Hollister in CB&Q 110470 and CB&Q 108898. Both of these cars are of the same

length, width and height. In one instance a car is loaded to 27,410 pounds while the other is loaded to 21,380 pounds.

It is apparent after an examination of these figures and the large amount of data before us that if the shippers will exercise proper care in loading cars no difficulty should be encountered in loading them to the minimums requested by the applicants.

I am particularly impressed by the fact that car UP 73746 was loaded at Hollister and contained 31,590 pounds; car UP 50025, also loaded at Hollister contained but 31,490 pounds notwithstanding it was approximately 10 ft. longer than the other car containing approximately the same weight.

From the records it would appear that shippers will not experience difficulty, if proper attention is given to loading, to load cars in excess of 36 ft. 6 in. in length to at least 20,000 pounds. We find very few, if any, cars of this length which have not been loaded above 20,000 pounds.

Under all the circumstances of the case, and after a careful review of loading records of hundreds of cars, I am of the opinion that so far as the application concerns the minimum weight, it should be granted.

As to that portion of the application dealing with the proposition to apply class rates only in the absence of specific commodity rates:- I do not believe this presents a case where the rule of the Commission that class or commodity rates, whichever are lower, should apply, should be broken down. As to this feature of the application I recommend that same be denied.

The following order is recommended:

ORDER

Application having been made by carriers party to the Pacific Freight Tariff Bureau Exception Sheet 1-B, C.R.C. No. 52 to amend same and provide changes in minimum weight on Hay, Straw, including Bean Straw and Cactus Leaves, carload

lots, and to provide that class rates on those commodities apply only in the absence of specific commodity rates, and a hearing having been duly held, .

IT IS HEREBY ORDERED that the application of the carriers to provide in said exception sheet a minimum weight for cars over 36 ft. 6 in. in length to but not including 40 ft. in length inside measurement of 20,000 pounds , and for cars of 40 ft. in length and over to and including 52 ft. in length inside measurement of 24,000 pounds, be and is hereby granted.

IT IS FURTHER ORDERED that application of carriers to provide that class rates will apply only in the absence of specific commodity rates be and is hereby denied.

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 1st
^{April}
day of ~~March~~, 1913.

H. D. Loveland

W. H. Gordon

Max Thelen

Edwin O. Edgeston

Commissioners.