

Before the Railroad Commission
of the
State of California.

FILED
RAILROAD COMMISSION
STATE OF CALIFORNIA

APR 26 1912

CHARLES R. DETRICK,
SECRETARY.

Case No. 257

DECISION

In the matter of application of carriers parties to Pacific Freight Tariff Bureau's Exception Sheet No. 1-B, C.R.C. 52, to cancel arrangements for reduced rating on shipments returned on account of damage in transit.

Eshleman, Commissioner.

This case is a continuance of Case 243 which was an application on the part of certain shippers to have Rule 10 of Pacific Freight Tariff Bureau Exception Sheet 1-B, C.R.C. No. 52, amended so that goods not in closed packages, after having left possession of carrier, may be returned to original shipper and original point of shipment when complete identification of the goods can be made. A hearing was held by the Commission on Case 243 on the 31st day of January, 1912, but before a decision was rendered pursuant to such hearing, this case was filed, being an application on the part of the carriers party to the Pacific Freight Tariff Bureau Exception Sheet 1-B, C.R.C. No. 52, to eliminate in its entirety Rule 10 of such exception sheet covering half rates on returned shipments, and the Commission deemed it advisable to withhold a decision in Case 243 until Case 257 could be disposed of so that the entire matter might be cleared up at one time.

In Case 243, the complainants urged that Paragraphs "A" and "B" of Rule 10 should be changed so that the same rule would govern shipment not in closed packages that prevails with reference to shipments in closed packages. I

am impressed with the soundness of complainants' contention . . . The only concern of the carriers, if this rule is to stand at all, is that the goods be identified, so that the purpose of the rule shall not be defeated. It would seem much easier to substitute a package in a closed shipment than one that had been open to the inspection of the carrier's agent at the time of its delivery. Modern traffic necessities often require the receipt of shipments at depots by draymen and other agents of the consignees who necessarily can not readily determine whether or not the goods are of the kind ordered or whether so damaged as to be useless to the consignee. Such being the case if the rule is to stand at all, it should be so amended as to eliminate the distinction between shipments in closed and open packages. Justice to the carriers, however, requires that a sure means of identification be provided.

In Case 257 the carriers, as has already been said, ask to eliminate the entire rule. This rule now stands, with the exception of Paragraph "E" and Note 2, in the same form as Rule 9 which is applicable to interstate shipments. Paragraph "E" applies to agricultural implements, vehicles and machinery, and provides for their return at half rates both for repairs or "on account of being unsalable". The oral statement of the carriers' representatives practically confines their application to the elimination of the words "on account of being unsalable", and I believe that to this extent their application should be allowed. I therefore recommend that Rule 10 be amended in the following particulars:

Paragraphs "A" and "B" to be combined as

Paragraph "A" to read as follows:-

"Goods for return movement properly identified
"must be presented to carrier within ten days from
"day of issuance of delivery order for original movement."

Retain Paragraphs "C" and "D" as they now stand
numbering them Paragraphs "B" and "C".

Strike out from Paragraph "E" as it now stands
the words "or on account of being unsalable" and designate
said paragraph as Paragraph "D".

The foregoing decision is hereby approved and ordered
filed as the decision of the Railroad Commission of the State
of California.

Dated San Francisco,
April 26 1912.

John M. Eshleman

H. J. ...

Max Thelen

Edwin O. Edgeston

Commissioners.

ATTEST:

Charles R. Detrick
Secretary.