

BEFORE THE RAILROAD COMMISSION
of the
STATE OF CALIFORNIA.

PACIFIC CONSTRUCTION COMPANY,)
Complainant,)
vs.)
SOUTHERN PACIFIC COMPANY,)
Defendant.)

Case No. 245.

Appearances.

J. O. Bracken representing Complainant.
George D. Squires representing Defendant.

DECISION.

Gordon, Commissioner.

This case involves shipment by complainant of six carloads Tubular Steel Bridge Piers from San Francisco to Tehama.

Complainant alleges that defendant assessed and collected charges on said shipments at the rate of 42¢ per 100 lbs. (said rate being both 5th Class and Class A rate), with a carload minimum rate of 24,000 lbs. excepting one car on which a 30,000 lb. minimum weight was used, whereas complainant alleges that they should have been charged and should have paid second class rate of 58¢ per 100 lbs. on actual weight of said shipments, which they claim to have been 10,516 lbs. to each car so shipped.

From the evidence adduced at the hearing it plainly appears that there was not a uniform weight of 10,516 lbs. on each car,—for according to the testimony of S. N. Bostwick, defendant's assistant general freight agent, the weight of the commodities shipped on said cars varied from 7,800 lbs. to 20,150 lbs. It is also evident by the testimony that the cars were ordered by complainant and sent out by defendant at a point in their yards near King Street between 6th and 7th streets, San Francisco, which point seemed to have been satisfactory to complainant, and at which point they

themselves loaded the six cars in controversy with the Tubular Steel Bridge Piers and billed same to Tehama without making any demand or request at the time of shipment that the movements were to be considered as L.C.L. shipments.

Therefore, it is the opinion of the Commission and the Commission hereby finds, that said movements were carload shipments and in accordance with Item 27 page 95 of Western Classification #48 CRC No.4, in effect at the time, this item named minimum carload weight of 30,000 lbs. for each car. Rate of 42¢ per 100 lbs. was the legal rate to be applied to said shipments.

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

Dated at San Francisco, California, this 9th day of May

1912:

Attest:

Secretary.

John W. Keshleman
H. B. Loveland
Al. Gordon
Max. Thelen

Commissioners.