[1505-01-M]

Title 49—Transportation

CHAPTER I—MATERIALS TRANSPORTATION BUREAU, DEPARTMENT OF TRANSPORTATION

[Docket No. HM-136; Amdt. No. 178-52]

PART 178—SHIPPING CONTAINER SPECIFICATIONS

Location of Manhole Assemblies and Certification Plates on Cargo Tanks

Correction

In FR Doc. 78-34950 appearing at page 58818 in the issue for Monday, December 18, 1978, the effective date given in the first column of page 58819 now reading "December 15, 1978" should have read "December 18, 1978".

[7035-01-M]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Fifteenth Rev. Ser. Or. No. 1234]

PART 1033—CAR SERVICE

Distribution of Freight Cars

AGENCY: Interstate Commerce Commission.

ACTION: Emergency Order; Fifteenth Revised Service Order No. 1234.

SUMMARY: There are serious shortages of freight cars of the sizes and numbers required to comply with certain tariff provisions. Service Order No. 1234 authorizes the carriers to substitute sufficient smaller cars for the larger cars required for shipments of specified commodities in order to meet minimum volume requirements but without limitations as to the number of cars to be used by each shipment. Fifteenth Revised Service Order No. 1234 adds alfalfa pellets and beet pulp to the list of commodities for which smaller cars may be substituted for the larger cars customarily used.

DATES: Effective 11:59 p.m., January 2, 1979. Expires 11:59 p.m., June 30, 1979.

FOR FURTHER INFORMATION CONTACT:

Charles C. Robinson, Chief, Utilization and Distribution Branch, Interstate Commerce Commission, Washington, D.C. 20423, telephone 202-275-7840, telex 89-2742.

SUPPLEMENTARY INFORMATION:

The Order is printed in full below.

Decided January 2, 1979.

There is an acute shortage of high capacity freight cars for transporting shipments of *alfalfa pellets, barium sulphate (crude barite, ground or not ground), beet pellets, *beet pulp, citrus pellets, citrus pulp, clay, coal, cottonseed hulls, electrode binder pitch, fertilizer, fish meal, grain, grain products, gypsum, gypsum rock, peanuts, peanut hulls, pencil pitch, perlite, phosphate (dried or ground, treated or untreated), salt, soybeans, soybean hulls, soybean products or sunflower seeds, caused by certain tariff provisions specifying the minimum quantities that must be loaded into cars offered to the carriers for transport. At the same time smaller cars, suitable except as to capacity, are available for transporting these products. The inability of the carriers and shippers to utilize the smaller capacity cars in place of the larger cars required by tariff provisions is resulting in great economic loss to both shippers and carriers. In the opinion of the Commission, an emergency exists requiring immediate action to modify existing rules, regulations and practices with respect to car service to secure maximum utilization of the available supply of freight cars and to alleviate shortages of cars. Accordingly, the Commission finds that notice and public procedure are impracticable and contrary to the public interest, and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered,

§ 1033. 1234 Fifteenth Revised Service Order No. 1234.

(a) *Distribution of freight cars.* Subject to the concurrence of the shipper, carriers may substitute a sufficient number of smaller cars for larger cars ordered to transport shipments of *alfalfa pellets, barium sulphate (crude barite, ground or not ground), beet pellets, *beet pulp, citrus pellets, citrus pulp, clay, coal, cottonseed hulls, electrode binder pitch, fertilizer, fish meal, grain, grain products, gypsum, gypsum rock, peanuts, peanut hulls, pencil pitch, perlite, phosphate (dried or ground, treated or untreated), salt, soybeans, soybean hulls, soybean products or sunflower seeds regardless of tariff requirements specifying minimum cubic or weight carrying capacity. (See exceptions (b) and (c).)

(b) *Exception.* This order shall not apply to shipments subject to tariff provisions requiring the use of twenty-five or more cars per shipment.

(c) *Exception.* This order shall not apply to shipments subject to tariff provisions which require that cars be furnished by the shipper.

(d) *Rates and Minimum Weights Applicable.* The rates to be applied and the minimum weights applicable to shipments for which cars smaller than those ordered have been furnished and loaded as authorized by Section (a) of this order shall be the rates and minimum weights applicable to the larger cars ordered.

(e) *Billing to be Endorsed.* The carrier substituting smaller cars for larger cars as authorized by Section (a) of this order shall place the following endorsement on the bill of lading and on the waybills authorizing movement of the car:

"Car of ( ) cu. ft. and of ( ) lbs. or greater capacity ordered. Smaller cars furnished authority Fifteenth Revised ICC Service Order No. 1234.

(f) *Concurrence of Shipper Required.* Smaller cars shall not be furnished in lieu of cars of greater capacity without the consent of the shipper.

(g) *Exceptions.* Exceptions to this order may be authorized to railroads by the Railroad Service Board, Washington, D.C., 20423. Requests for such exception must be submitted in writing, or confirmed in writing, and must clearly state the points at which such exceptions are requested and the reason therefor.

(h) *Rules and Regulations Suspended.* The operation of all rules, regulations, or tariff provisions is suspended insofar as they conflict with the provisions of this order.

(i) *Application.* The provisions of this order shall apply to intrastate, interstate, and foreign commerce.

(j) *Effective date.* This order shall become effective at 11:59 p.m., January 2, 1979.

(k) *Expiration date.* This order shall expire at 11:59 p.m., June 30, 1979, unless otherwise modified, changed, or suspended by order of this Commission.

(49 U.S.C. (10304-10305 and 11121-11126))

This order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement and upon the American Short Line Railroad Association. Notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington and John R. Mi-

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*Addition.