

Transportation Commission Delays Decision Re Appeal

At A Meeting In Moncton It Was Decided To Delay Appealing To The Privy Council Until Further Consideration

The annual meeting of the Maritime Transportation Commission was held in Moncton on Tuesday, attended by Mr. R. E. Murch, Mr. J. O. Hyndman, Mr. Alfred Pickard and Dr. J. A. Clark. Accompanied by Mrs. Murch and Mrs. Clark, the party left by special airplane at 2:35 p.m. and arrived in time for the meeting at Moncton at half-past three. At the meeting the Charlottetownians returned by plane which was under the charge of Pilot Folwer, in time for tea.

There was a full attendance of members of the Commission with the exception of the Chairman, Mr. J. D. McKenna, President and the secretary Mr. F. McLaure Scanders. While en route, Mr. Scanders was taken seriously ill and the train was had to stop-off at Sussex and return home accompanied by Mr. McKenna. Vice-President Turnbull, Halifax, president, and after the managers report had been submitted, a discussion took place on the advisability of an appeal from the judgment of the Supreme Court on the Board of Railway Commissioners' decision on Maritime rates. It was decided to delay coming to a decision until the President and Secretary could be present.

The following is the report of Mr. Rand H. Matheson, Transportation Manager.

During the last year the activities of the Commission increased substantially over that of the previous year. There were a number of matters on the agenda successfully concluded with resultant benefits to persons and industries. There were several others, however, that did not materialize successfully. In addition, a number of new cases of general and specific significance were added from time to time. The breadth and scope of the activities can be appreciated from the fact that enquiries for advice, information and assistance were received from the following places: Summerside, P. E. I., Charlottetown, P. E. I., Sydney, N.S., and other Cape Breton points, New Glasgow, N.S., Halifax, N.S., Kentville, N.S., Truro, N.S., Fredericton, N.B., Perth, N.B., Moncton, N.B., Saint John, N.B., St. Stephen, N.B., Sackville, N.B., Bathurst, N.B. and other points in the Maritimes. Enquiries were received also from a number of points in Ontario and Quebec pertinent to transportation and industries in the Maritime Provinces. The transportation matters on which advice and information were submitted or which were investigated or negotiated on behalf of shippers and consignees include: domestic freight rates (competitive and otherwise), export and import freight rates, express rates, preheating and demurrage of freight cars, switching, rail vs. water and truck rates, claims, etc.

As the more important cases and negotiations have been reported in detail, from time to time, it is only necessary now to submit an epitome of those cases. However, there are some important matters that have developed since the last report which are being submitted more or less in detail for the consideration and comments of the members.

on behalf of the shippers. The railways were willing to re-establish the rates immediately but permission had to be obtained first from the Interstate Commerce Commission. The application was delayed with the result that permission was not obtained until late in the Fall of 1936 and the rates did not become effective until December 9, 1936. No expiry date is attached to the present rates but at the same time the permission granted is only temporary pending further representations.

Reductions in Express Rates on Oysters

As a result of negotiations of the Commission the Express Department of the Canadian National Railways reduced the express rates on oysters, generally, from producing sections of the Provinces of Nova Scotia, New Brunswick and Prince Edward Island to stations throughout the Dominion of Canada. The Commission intends to apply for a corresponding adjustment on scallops in the near future. Representations in connection with that commodity were asked to be held in abeyance for fear of repercussions that would interfere with the negotiations on oysters.

Potato Rate Adjustment to Western Canada

Reports emanating from the Western Provinces last summer indicated a probable scarcity of potatoes in that section. As a result of the reports, the Commission communicated with potato shippers for their opinions as to market possibilities, etc. providing that rates corresponding to the seasonal rates first effected in 1929 were established. In reply, the Commission was requested to commence negotiations for adjustments even though it was too early then for shippers to make any predictions as to the availability of a market. Subsequently, an application was made to the Canadian National Railways and Canadian Pacific Railways Co. for the re-establishment of the special rates. In September the railways advised that they would effect the special rates as soon as market conditions indicated. It was not until March that shippers received any word with inquiries from the Western Provinces. What movements took place then, however, obtained the benefit of the special rates through the issue of so-called "rate advices". Later the railways published the reduced rates to specified points effective on April 1st and to terminate on July 31st.

Apple Rate Adjustments

Last August the Commission applied for the re-establishment of the special rates on apples, in effect in previous years, from specified Dominion Atlantic Railway points to Ontario and Quebec. At the same time, the Commission also asked for a corresponding adjustment in rates from New Brunswick points. The rates were established from the Dominion Atlantic Railway points and were predicated on the class rates for a single line movement. The railways refused a corresponding adjustment from Saint John Valley points for the following reasons:

1. The reductions effected were competitive.
2. The reduced rates from Annapolis Valley points were substantially higher than the rates in effect from the Saint John Valley.
3. The reduced rates were only the approximate rates that would apply on a single line movement and that in effect the reduced rates were only an extension of the Canadian National Railways class rates to points on the Dominion Atlantic Railway in the Annapolis Valley that did not enjoy the benefits of the single line class rates.

Westbound Rates to British Columbia Coast Points

The limited application of the zone express rates on the Canadian National Railways in New Brunswick gave rise to the complaint that distributors in some localities had an advantage over distributors located in other sections of the Province. The Commission was asked to assist in the negotiation with the Express Company for the extension of the basis to include competitive points. As a result of these negotiations the basis was extended to include practically all points on the Canadian National Railways within the Province of New Brunswick.

Coal Rate Adjustments

The Commission assisted in negotiating several coal rate adjustments. The Commission also supplied coal rate data, and information to various concerns and parties on request.

Reduced Rates on Livestock Between Points in the Maritime Provinces

The Commission was instrumental in obtaining a lower carload minimum and other privileges on livestock between points in the Maritime Provinces, on the Canadian National Railways, on the Canadian Pacific Railway and on the Dominion Atlantic Railway. The lower carload minimum resulted in substantial reductions and were to terminate with April 15, 1937 but the railways have re-established the rates for another year.

Turnip Rates to Specified United States Points

The special rates on turnips from specified points to New York, Boston and intermediate points terminated on June 30, 1936. The Commission applied for a renewal

in an application for a reduction in the export rates on hay from points in the Maritimes. The reduction was asked by the shippers in order to facilitate the movement of surplus hay to the United Kingdom market in competition with Scandinavian hay. This application, from the first, did not appear very hopeful. Yet, the Manager when en route to Ottawa in January stopped off at Montreal in order to accompany Mr. G. LeLacheur (representing the hay producers) to several conferences with Railway and Steamship Officials. The Manager also interviewed Officials of the Department of Agriculture, Ottawa. As expected the application was refused on the following grounds:

1. Export rates on hay from Maritime points are relatively low.
2. Reductions from Maritime points would necessitate corresponding reductions from other hay producing sections of Canada which would result in a substantial loss of revenue to the railways without any apparent gain to the shippers.
3. Ocean rates were being increased and reductions in rail rates might be off-set, at any time, by an increase in ocean rates.

It is believed, however, that the representations had the effect of curtailing further increases in the ocean rates although shippers experienced considerable difficulty in booking space.

Domestic Hay Rates to Eastern United States Points

(b) Hay rates from the principal hay producing points of Quebec to Eastern United States points were found to be predicated on a lower basis than the rates from some sections of the Maritime Provinces. The rates from Quebec points to Boston, Montreal and other points, approximate 6th class whereas the rates from Sackville, N.B., are 5th class. The hay shippers

Lumber Rate Adjustments to Eastern United States Points

In different reports the members were informed of the development in connection with the proposed revision of lumber rates to Eastern United States points (Official Territory). The proposed changes were to go into effect on May 15th but due to difficulties arising in the United States the revision has been postponed again. The Commission has been furnished, however, with some tentative figures as to the present and proposed rates from Vancouver and Van Buren, Me. to destinations in New England and Trunk Line Territories:

To	From Vancouver	From Van Buren
Boston, Mass.	21½	25
Providence, R. I.	26½	28
New Haven, Conn.	27½	28
Hartford, Conn.	28½	29
Brooklyn, N.Y.	29	31
Hartford, N.Y.	30	32
Albany, N.Y.	30	32
Buffalo, N.Y.	30	32
Rochester, N.Y.	30	32
Syracuse, N.Y.	30	32
Philadelphia, P.	36	38
Scranton, Pa.	36	38

These rates of course are only tentative and may not be the final rates published by United States roads. The rates from Maritime Provinces points will have to clear the above border rates and will be higher in direct proportion to distance. This will probably mean increases, generally, unless the Canadian railways will be able to secure so-called Section Relief which would enable them to publish lower competitive rates from various points. The Manager interviewed railway officials in Montreal on this matter and pointed out to them that increases would have the effect of removing the advantages effected through the trade agreement with the United States. Moreover, increases in rail rates on lumber would undoubtedly force a large movement of lumber by water.

Further developments are being followed closely.

Transport Bill - An Act to Establish a Board of Transport Commissioners for Canada, With Authority in Respect of Transport by Railways, Ships, Aircraft and Motor Vehicles.

The amendment to this Bill to the effect that the provisions therein would not apply to water transport between the Maritimes and Great Lakes-St. Lawrence reports was probably the outstanding success of the Commission during the last year.

As the details of the representation have been reported from time to time it is unnecessary to outline them again. Suffice it to state, however, that the Commission followed developments closely from the first intimation that such a Bill would be introduced. Consequently, when the time came to take a stand on the matter the Commission was in a position to act effectively. It is true the Bill was not passed by the Senate but the Minister of Transport, the Hon. Mr. Howe intends to revive it at the next Session of Parliament. It is likely that the amendments will stand in any redraft. Yet, at the same time, the Maritimes should follow future events closely.

As to regulations, generally it would appear that the Maritime Provinces would gain from the stabilization of rates in other sections of Canada. It is a recognized fact that the present competitive condition in the Central Provinces has to a large degree disrupted the relationships granted under the Maritime Freight Rates Act. However, the competitive conditions that exist in Ontario and Quebec do not prevail to the same degree in respect to traffic between the Maritimes and Central Canada. Water transport has alleviated our transportation difficulties and if the regulations that were contemplated were applied to water transport from, to and within the Maritimes it would tend to restrict the further propagation of our industries.

Preheating of Refrigerator Cars and the Extension of Free Time for the Loading of Potatoes

On March 4th the Manager attended a meeting of the Associated Potato Growers and Shippers of New Brunswick held at Woodstock, N.B. The meeting was called to discuss, among other things, several transportation problems peculiar to the industry. The principal problem brought to the attention of the Manager pertained to the difficulties incurred by the shippers in preheating within the free time prescribed by the demurrage rules.

Export Rates on Hay

(a) The assistance of the Commission was requested in January

pers contended that if they were granted rates approximating 6th class that they might be able to do business in the Eastern United States. The granting of a corresponding basis of rates from the Maritimes to Eastern United States points appears reasonable providing Maritime producers can compete by means of reductions in the Eastern United States markets. The Commission applied to the railways for special commodity rates to correspond with the rates from Quebec. However, about that time the railways had decided to proceed with the publication of the new basis of international class rates that had been under consideration for some years. This new development has precluded the chances of effecting any adjustment of the hay rates at this time. Meanwhile, the railways contend that Maritime hay can compete in the Eastern United States markets only under exceptional circumstances and that any adjustment in rates may only provide a temporary relief. The Manager is of the opinion that a corresponding adjustment should be made in the event such circumstance may arise in the future.

Export Rates via Montreal, P. Q.

It will be remembered that at the last annual meeting the question of export rates via Montreal was discussed by the members. Pursuant to the meeting the Manager made a study of the rate situation and discussed the matter with some of the railway officials.

The present export class rates to Montreal are the class rates in effect before the Maritime Freight Rates Act plus four cents terminal charges. There are, however, some special commodity export rates which are comparatively low. Evidently, the exports from the Maritimes via Montreal, P. Q., are not very great. Be that as it may, the export rates from Ontario and Quebec points are lower, generally, to Halifax, N.S., and Saint John, N.B., than the export rates from those points to Montreal. The railways contend the lower export rates eastbound are due to the equalization of the ports of Halifax and Saint John with the United States North Atlantic ports and in establishing the equalization the longer distances to Halifax and Saint John have been disregarded.

In a reply to a previous application for relative equalization the railways stated to the effect that they did not see the necessity of establishing export class rates to equal the eastbound rates but that they were prepared at all times to establish commodity export rates via Montreal in cases in which conditions and circumstances warranted such rates.

It is interesting to note that the import rates between Halifax and Saint John on the one hand, and Montreal on the other are the same in both directions. The equalization of the import rates is evident-ly predicated on the principle of port equalization. It is difficult, therefore, to understand how the railways can justify the present high export rates via Montreal unless it is because the publication of such rates would be looked upon as paper rates. Yet, it is a well recognized fact that only a relatively small percentage of the total volume of traffic moves under class rates. Then too a large number of commodity rates are predicated on the nominal percentage of the class rates.

Export and Import Rates to and From Atlantic and Gulf Ports I. C. C. Docket No. 27366

Developments in connection with this case and related cases have been explained in various periodic reports. The railways recently requested the Manager to assist in securing data pertaining to the historical development of export rates through the ports of Halifax, N.S. and Saint John, N.B. In this connection, the Manager has compiled a brief resume of the development of these rates in relation to the Government policy thereon. The material prepared to date has been sent to the railways as requested. There are one or two important documents pertaining to the rates which evidently have been lost or destroyed. The Manager is making a further effort to secure those documents in order to complete the record.

Pick-up and Delivery Service

The railways have not reached any decision on the inauguration of the P.U.D. service in the Maritimes. The Manager has been informed, however, that the railways are investigating the motor truck situation to determine the advisability of establishing motor truck services between different points.

Appeal to the Supreme Court of Canada on the Decision of the Board of Railway Commissioners in the "Potato Case"

As the development of this case has been reported periodically, and considering that the members have been sent copies of the record and factum, and that the decision dismissing the appeal is discussed in the chairman's report, further reference to the case here would be more or less redundant. Suffice it to state the decision was more or less disappointing.

ports to Southern United States would result in the cancellation of export and import rates through Halifax and Saint John or a lowering of the rates from so-called differential territory to Southern ports. The so-called trunk line railroads in all likelihood would continue to object to a relative equalization of New Orleans and other Southern ports with New York, Baltimore and Philadelphia. In the event of the cancellation of the export and import rates from and to United States differential territory on the one hand, and Halifax and Saint John on the other, the question arises whether the railways will be prepared to continue to object to a relative equalization of New Orleans and other Southern ports with New York, Baltimore and Philadelphia. 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