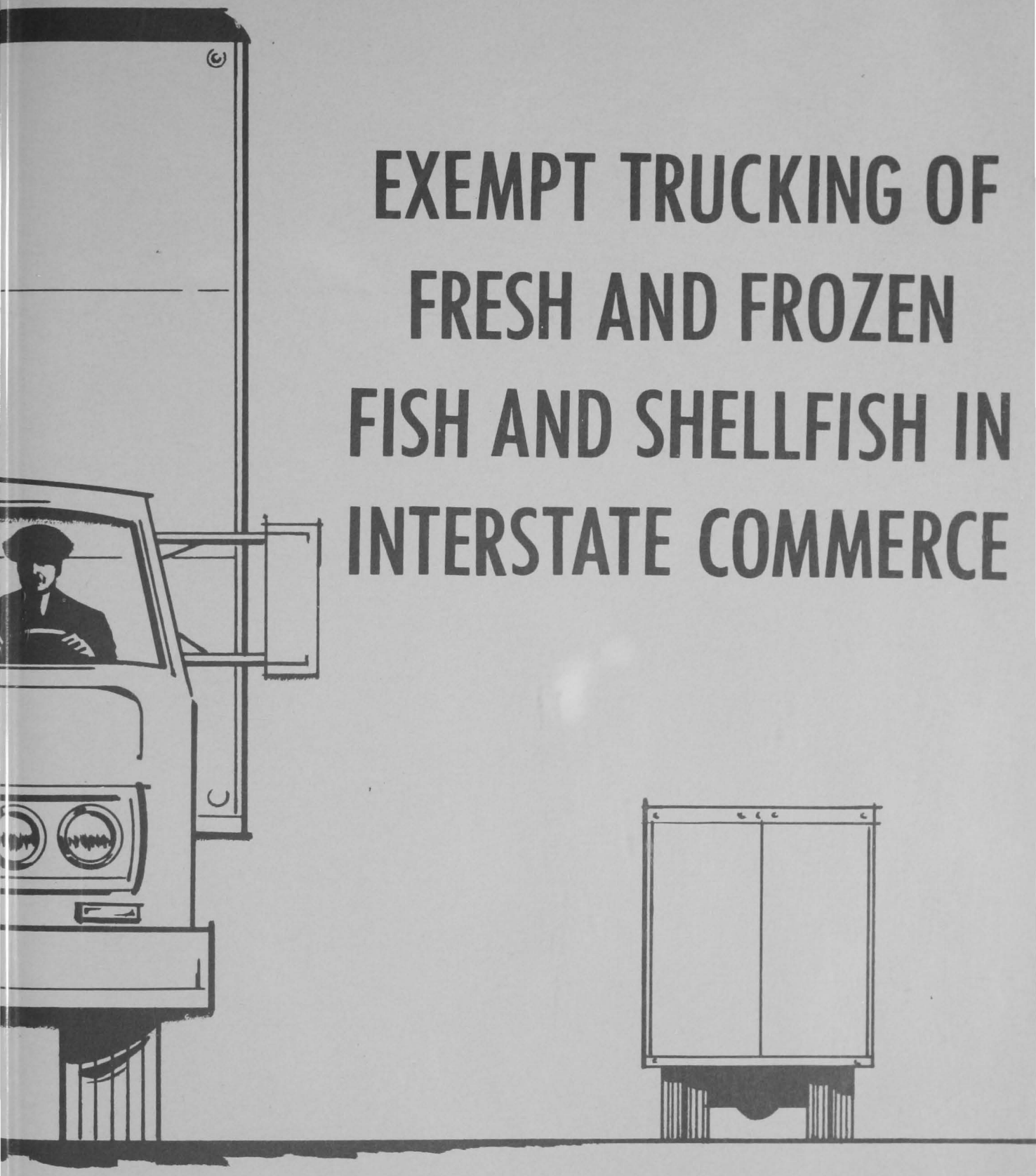

EXEMPT TRUCKING OF FRESH AND FROZEN FISH AND SHELLFISH IN INTERSTATE COMMERCE

UNITED STATES DEPARTMENT OF THE INTERIOR
FISH AND WILDLIFE SERVICE
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United States Department of the Interior, Stewart Udall, Secretary
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EXEMPT TRUCKING
Of
FRESH AND FROZEN FISH AND SHELLFISH
In
INTERSTATE COMMERCE

By

John D. Abrahamson, *Assistant Chief*
and
Carl P. Hoffman, Jr., *Transportation Economist*
Branch of Economics
Division of Industrial Research
Bureau of Commercial Fisheries

United States Fish and Wildlife Service

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ABSTRACT

This report was developed because of the need for data concerning the exempt motor carriage of fresh and frozen fishery products. In order that the required information could be obtained, questionnaires were sent to both shippers and motor carriers.

The development of the fishery exemption, particularly as it relates to the Motor Carrier Act of 1935 and the Transportation Act of 1958, is briefly discussed. The terms used are defined, and the findings from the Shipper's Questionnaire and from the Motor Carrier Questionnaire are reported. Included also is a summary of the findings.

STUDY OF EXEMPT TRUCKING OF FRESH AND FROZEN FISH AND SHELLFISH IN INTERSTATE COMMERCE

INTRODUCTION

Transportation has been one of the key factors in the development and growth of the fishing industry. The highly perishable nature of the industry's fresh and frozen products requires a transportation system dedicated to the peculiar needs of the shippers and receivers, for without this vital link in the chain of distribution, the industry's markets would be restricted to the immediate producing areas along the coasts, lakes, and rivers.

The bulk of fresh and frozen fishery products was once carried by the railroads and mainly in express service. Improved highways and motor equipment, coupled with the accelerated abandonment of rail passenger service, have contributed to a decided trend toward the use of motor trucks to move fishery products. Although motor vehicles used in interstate transportation for hire were brought under regulation by the Interstate Commerce Commission (ICC) in 1935 (United States Code, Title 49, Chapter 8), the Congress provided for the exemption from economic regulation of truck transportation of fresh and frozen fishery products and certain agricultural products.[1]

Little information is available concerning the exempt carriage of fresh and frozen fishery products by these exempt motor carriers. Unlike regulated carriers, the exempt carriers are not required to submit reports to the ICC. Hence there are little basic data available concerning their operations. Substantial amounts of fresh and frozen fishery products, however, are being moved by such carriers.

There is pressing need for data to solve the many critical problems arising in this area of transportation so important to the fishing industry. The data needed relate both to the shipper and to the motor carrier. Those data relating to the shipper involve such questions as: What quantity of products does he ship and what are his special requirements? Those data relating to the carrier involve such questions as: What products does he carry? What stops does he make? What are his rates?

These questions--and many more--needed answers that could be supplied only by the shippers and the carriers themselves. Accordingly, a Shipper's Questionnaire was submitted to a representative sample of fresh and frozen fish and shellfish processors and wholesalers, and a Motor Carrier Questionnaire was submitted to carriers that served the shippers who responded to the preceding questionnaire.

The purpose of this report is (1) to sketch the development of the fishery exemption, (2) to define certain of the terms commonly used in connection with the fishery exemption, (3) to give the findings of the Shipper's Questionnaire, and (4) to give the findings of the Motor Carrier Questionnaire.

It might seem more logical to define the terms first, but they will have more meaning after the development of the fishery exemption has been discussed. The various topics treated therefore will be presented in the order just listed.

A summary is included for the convenience of those who may not have time to study the detailed findings.

DEVELOPMENT OF THE FISHERY EXEMPTION

The transportation of fish and shellfish in interstate commerce by motor vehicle has always been exempt from economic regulation by the ICC. This exemption, however, has not come about automatically, for it has resulted only after long, continuous efforts by the fishing industry. To understand the developments, one must be acquainted with the Motor Carrier Act of 1935 and the Transportation Act of 1958.

Motor Carrier Act of 1935

The birth of the exemption took place in the original act, as the exemption was a part of that act. This point, however, had to be clarified by a number of early interpretations. Later, problems arose concerning

[1] There are two types of regulation: economic and safety. Economic regulation pertains to rates, routes, and services. Safety regulation pertains to such items as hours of work and condition of the equipment.

the practice of "trip leasing" exempt trucks on return hauls and the application of the exemption to new fishery products.

Birth of the exemption.--In 1935 Congress subjected the transportation of goods via motor vehicles to ICC regulation. There were, however, certain exemptions that applied to agricultural and fishery products.[2] The principal reason for these exemptions was that the Congressional spokesmen for the agricultural and fishery industries were opposed to Governmental control, which would result in higher rates and in interference with the free flow of perishable products.[3] The initial proposal was to exempt "motor vehicles used exclusively in carrying livestock or unprocessed agricultural products," but during the debate this phrase was liberalized to apply to the transportation of all "agricultural commodities (not including manufactured products thereof)" and "fish (including shellfish)."[4]

Early interpretations of the exemption.--Fishery exemption was first interpreted in the first Monark Egg Case.[5] The principles that the ICC attempted to establish in this case were (1) that the fishery exemption was meant to apply only to trucks hauling (a) fresh whole fish and (b) shellfish in the shell and (2) that once a motor vehicle was used to transport a nonexempt commodity, all of the subsequent operations of that vehicle were subjected to ICC regulation irrespective of the type of commodities subsequently transported therein. On reconsideration, in the second Monark Egg Case,[6] the Commission attempted to establish its "channels of commerce" principle, stating "the legislative history indicates that the benefits of the exemption were intended for the farmer by affording relief in the transportation of his products to the point where they first enter the ordinary channels of commerce." With respect to fishery products, it concluded that "only fish and shellfish, dead or alive, as taken from the water, are within the purview of this exemption." Commissioner Lee dissented from the majority opinion, stating: ". . . it should be noted that Congress did not limit the meaning of the word 'fish' as was done in the case of 'agricultural commodities' (not including manufactured products thereof). On the contrary, by the parenthetical phrase (including shellfish), Congress indicated that all 'fish' falls within the exemption." Several years after the second Monark Egg Case, the ICC attempted to enjoin a motor carrier from transporting fresh and frozen headless shrimp. The District Court[7] reversed the Commission, however, holding that if the Commission's interpretation of the fishery exemption was correct, it would completely nullify the exemption of vehicles transporting shrimp, "because no shrimp are transported to the market which are not beheaded." Following this momentous decision, the ICC reopened the Monark Egg Case to review its interpretation of the fishery exemption. After finding that no distinction could logically be made between headless shrimp and other species of fish that are never transported to market in the form in which they are taken from the water, it redefined the fishery exemption as follows:

> . . . the term "fish (including shellfish)" as used in Sect. 203 (b) (6) of the Interstate Commerce Act includes frozen, quick frozen, and unfrozen fish in the various forms in which it is shipped, such as live fish, fish in the round, beheaded and gutted fish, filleted fish, beheaded shrimp, and oysters, clams, crabs and lobster meat, but excluding fish in hermetically sealed containers or fish which has been otherwise treated for preserving such as smoked, salted, pickled, spiced, corned, or kippered.[8]

This interpretation was attacked once more by regulated carrier groups in the fourth Monark Egg Case,[9] but the Commission adhered to its last interpretation of the fishery exemption and thus discarded the "channel of commerce" principle. It reasoned that "the partial exemption is directed to the Motor Vehicles, not to the transportation of the commodities named therein, and it contains no limitation as to the point from and to which fish and shellfish may be transported."

In the meantime, the Commission's interpretation of the exemption was tested in other Federal courts. In 1948, a Federal Court reversed the Commission's theory, announced in the first Monark Egg Case, that once a vehicle transports a regulated product, all subsequent movements of the vehicle were nonexempt.[10] This decision was soon followed in another Federal District Court wherein the Court reasoned that the Commission's interpretation of the phrase "if such motor vehicles are not used in carrying any other property or passengers for compensation" was

> so unreasonable and so crippling . . . to the free interstate carriage of the privileged commodities, and even contrary to the general policy of the legislation, that it cannot be the true legislative intent.[11]

It was thus finally established that a motor vehicle transporting exempt commodities

[2] Motor Carrier Act, 49 U.S.C. 301, 49 Stat. 543.

[3] 79 Cong. Record 12196, 12197, 12199, 12200, 12205, 12213, 12220 and 12221.

[4] 79 Cong. Record 12220.

[5] Monark Egg Corp. Contract Carrier Application, 26 M.C.C. 615 Decided November 7, 1940.

[6] 44 M.C.C. 15, decided October 2, 1944.

[7] ICC vs. Love, 77 F. Supp. 63, decided March 29, 1948 affirmed 172 F. 2(d) 224.

[8] 49 M.C.C. 693, decided September 23, 1949.

[9] 52 M.C.C. 576, decided April 13, 1951.

[10] ICC vs. Dunn, 166, F. 2 (d) 116, decided February 5, 1948.

[11] ICC vs. Service Trucking Company, 91 F. Suppl. 533, decided May 5, 1950.

was exempt from ICC regulation so long as a regulated product was not transported in the same truck at the same time.

Trip-leasing of exempt trucks on return hauls.--Another legislative development of great significance to the fishery exemption pertained to the practice of trip-leasing exempt trucks on return hauls. Prior to 1951 the Commission's regulations permitted the leasing of trucks for single trips and this was known as a "trip-lease." The retention of this practice was of great importance to the agricultural and fishery industries and to regulated motor carriers, depending upon the occasional use of exempt carrier equipment, since it enabled exempt carriers to lease their vehicles to regulated carriers for the transportation of a regulated commodity back to the exempt carrier's source of exempt traffic. In 1951 the ICC attempted to require that future leases of motor vehicles be for a period of not less than 30 days, but in the light of the vigorous opposition that developed, Congress in 1956, excluded exempt carriers from the trip-leasing regulations upon certain conditions.[12] The effect of this exemption from the 30-day leasing regulations, was that upon completion of a movement of exempt commodities, a motor vehicle may then be trip-leased to a regulated carrier for transportation of a regulated commodity in any direction and in one or more of a series of movements, loaded or empty, in the general direction of the general area in which such motor vehicle is based.

Developments concerning transportation of new fishery products.--There was little controversy concerning the fishery exemption for several years following the foregoing decisions. The widespread development of cooked and breaded fishery products in the 1950's, however, touched off a new wave of controversy. On November 28, 1955, the Bureau of Motor Carriers of the ICC issued Administrative Ruling No. 98, which stated, in its opinion, that the transportation of cooked fish or shrimp did not come within the exemption.[13] It also held, however, that breaded fish or shrimp, if uncooked, came within the exemption. A petition was filed by the fishery industry in 1957, requesting that Administrative Ruling No. 98 be rescinded on the grounds that it was inconsistent with the definition of the fishery exemption, as set forth in the 1949 Monark Egg Case.[14]

[12] Public Law 957 (S. 898) 84th Congress, 2d Session, approved August 3, 1956, became effective by Commission order April 2, 1957. Sect. 204 (f) (2).

[13] The preface of Administrative Ruling No. 98 states: "The following is an administrative ruling of the Bureau of Motor Carriers, made in response to questions propounded by the public, indicating what is deemed by the Bureau to be the correct application and interpretation of the Act. Rulings of this kind are tentative and provisional and are made in the absence of authoritative decisions upon the subject by the Commission."

[14] This petition, MC-C-2169, was later withdrawn as the matter was resolved by enactment of the Transportation Act of 1958.

The ICC, in its 70th annual report, recommended to Congress that the exemption "be limited to transportation from point of production to primary market," and thus reestablish the "channels of commerce" theory once propounded by the Commission, but later abandoned in the Monark Egg Case. The Commission proposed that the exemption be limited "from the point of production to a point where such commodities first pass out of the actual possession and control of the producer." The "point of production for fish" was defined as "the wharf or other landing place at which the fisherman debarks his catch . . . or the point at which fish . . . are gathered for shipment." These recommendations were incorporated in H.R. 5823, introduced by Congressman Oren Harris of Arkansas, in the 85th Congress, 1st Session, on March 11, 1957. Shortly thereafter, Senator George A. Smathers of Florida introduced a bill, S. 2553, for the purpose of revising the agricultural exemption by returning to regulation many of the products declared by the Federal Courts to have been exempt from ICC regulation. This bill did not propose to affect fishery products, as introduced, but indirectly threatened the fishery exemption, since it subjected many frozen agricultural commodities to regulation.

Transportation Act of 1958

Owing to the confusion regarding the exemption, the fishing industry urged Congress to establish definitely that the method of preservation (i.e., fresh or frozen fishery products) is the criterion of exemption, which it did in the Transportation Act of 1958. Shortly before the enactment of this legislation, the Bureau of Motor Carriers listed the exempt and nonexempt fishery products. Attempts were made to use this list as the basis for differentiation, but instead a colloquy on the floor of the Senate between Senators George A. Smathers and John F. Kennedy thus clarified the intent of Congress that perishability of the product established its exempt or nonexempt status. Despite this clarification of the exemption, there now are pending before the ICC several problems that could nullify much of the effectiveness of the exemption. The following discussion gives the details concerning the method of preservation as the criterion of exemption, the exempt and nonexempt fishery products, and the pending problems.

Methods of preservation as criterion.--In view of the turmoil and confusion that prevailed with respect to exempt commodities, the Bureau of Motor Carriers issued an informal ruling on March 19, 1958, designated as Administrative Ruling No. 107, setting forth the status of each agricultural and fishery commodity about which inquiries had been received in the past by the Bureau,

or which had been the subject of Commission or Court proceedings.[15] Listed as "not exempt" were cooked or fried fish and shellfish, fish sticks, clam juices or broth, croquettes, deviled shellfish products, dinners, fish cakes, and canned and preserved products. Simultaneously with the release of Ruling No. 107, the Senate was holding a series of hearings on the problems of the railroads, during which a concerted drive was being made for the repeal or drastic revision of the exemption. The fishery industry countered this drive with a request for a codification of the fishery exemption to reflect past court and Commission decisions. It urged Congress to reaffirm those decisions that had indicated that the method of preservation (freezing, for example) is the criterion between exempt and nonexempt fishery products rather than that some frozen products were exempt but that other frozen products that had been cooked, fried, or otherwise prepared were not exempt. Similar testimony was presented by the fishing industry in the House on H.R. 5823. In addition to its opposition to the ICC's request that the fishery exemption be restricted to the initial movement from the point of production, the industry appealed to the House for a restatement of the definition of "fish (including shellfish)," as follows:

> Fish or shellfish, and fresh or frozen products thereof containing seafood as the basic ingredient, whether breaded, cooked or otherwise prepared (but not including fish and shellfish which have been treated for preserving, such as canned, smoked, salted, pickled, spiced, corned or kippered products).

Following the conclusion of both the House and Senate hearings, new bills were prepared and introduced by the chairmen of the respective subcommittees presiding at the hearings. Senator Smathers introduced S. 3778, on May 8, 1958, which provided for the adoption of Administrative Ruling No. 107, as the line of demarcation between exempt and nonexempt commodities, except that (1) frozen fruits, berries, and vegetables and (2) all imported agricultural and fishery products would be subjected to ICC regulation.

On June 5, 1958, Congressman Harris introduced H.R. 12832, which was substantially the same as S. 3778, except that the House bill additionally provided that the exemption applied to "fish or shellfish and fresh or frozen products thereof containing seafood as the basic ingredient, whether breaded, cooked, or otherwise prepared," as requested by the fishery industry. On June 3, 1958, S. 3778 was reported by Senator Smathers' subcommittee with an amendment deleting the provisions that would have regulated the transportation of all imported property, and subjected only imported bananas, coffee beans, cocoa beans, tea, hemp, and wool, to ICC regulation. This bill also regulated the transportation of frozen fruits, berries, and vegetables but specifically exempted from such regulation the transportation of "cooked or uncooked (including breaded) fish or shellfish when frozen or fresh." Both S. 3778 and H.R. 12832, contained "Grandfather" provisions.[16] However, the Senate bill provided that any carrier who was in bona fide operation January 1, 1958, shall receive operating authority from the ICC upon submission of proof of bona fide operations on that date, whereas the House bill provided a critical date of June 1, 1958. After conference, a critical date of May 1, 1958, was agreed upon. The conferees also provided that the term fish (including shellfish) "shall be deemed to include cooked or uncooked (including breaded) fish or shellfish when frozen or fresh (but not including fish or shellfish which have been treated for preserving, such as canned, smoked, pickled, spiced, corned or kippered products)." It should be noted that "salted" fish, which was once included in the list of preserved nonexempt seafoods, was deleted from the preserved fish category in this bill. Thus, S. 3778 was enacted into law on August 12, 1958.[17]

During the course of debate on the bill in the Senate, Senator Smathers, sponsor of the bill, was asked by Senator John F. Kennedy of Massachusetts whether products such as codfish cakes, deviled crab, fish with sauce, fish dinners, and similar seafood products, would be exempt under the bill, even though they were shown as "not exempt" in Interstate Commerce Commission Ruling No. 107. Senator Smathers answered: "The answer to that question is in the affirmative, 'Yes' It was our intention that the items be exempt. We could not write into the law, Mr. President (President Pro Tempore of the Senate), all these various items which have seafood in them. If we had, the bill would have had to be longer than some of the tax laws. As best we could we made references to these subjects in the report and in the colloquy on the floor. I am very happy to say 'Yes' it is our understanding such products would be exempt under the provisions of the bill."

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[15] This ruling contained a preface similar to that shown in Footnote 1 on page 1.

[16] The term "Grandfather" when used in connection with motor carrier certificates is commonly understood to refer to a certificate granted to a carrier that was in operation when Congress regulated those operations for the first time.

[17] Sect. 7, Transportation Act of 1958, Public Law 85-625, 85th Congress, 2d Session. The pertinent provisions stated: "That the words 'property consisting of ordinary livestock, fish (including shellfish), or agricultural (including horticultural) commodities (not including manufactured products thereof)' shall not be deemed to include frozen fruits, frozen berries, frozen vegetables, cocoa beans, coffee beans, tea, bananas, or hemp, and wool imported from any foreign country and wool tops and noils, or wool waste (carded, spun, woven or knitted), and shall be deemed to include cooked or uncooked (including breaded) fish or shellfish when frozen or fresh (but not including fish and shellfish which have been treated for preserving, such as canned, smoked, pickled, spiced, corned, or kippered products."

Mr. KENNEDY. "In other words, seafoods which are preserved, such as canned or smoked fish, for example, are not exempt, but fresh or frozen seafoods which are perishable are exempt?"

Mr. SMATHERS. "The answer is 'Yes'. The factor which governs whether the article is exempt or not exempt is how perishable it is. If the seafood is canned as is true with respect to some salmon and other fish of that nature, then the item does not need an exemption, because it can be held to await the service of regulated carriers. When the food is perishable or in a perishable state, obviously flexibility is needed."

Exempted and nonexempt fishery products.--In view of the enactment of this legislation, the Bureau of Motor Carriers, on September 26, 1958, issued Administrative Ruling No. 110 listing the "exempt" or "not exempt" status of the commodities affected by the Transportation Act of 1958. The status of fishery products in the various forms in which they are currently shipped, as shown in Administrative Ruling No. 107 and as modified by Ruling No. 110, are shown below:

Exempt Fishery Products:
- Fish (including shellfish, frogs, turtles, and whale meat)
  - beheaded
  - breaded
  - cakes
  - cooked (or fried)
  - croquettes
  - deviled (crabs, clams, or lobsters)
  - dinners
  - filleted
  - fresh
  - frozen
  - gutted
  - hermetically sealed in containers for cleanliness only
    - Preservation attained by refrigeration
  - juice or broth (clam)
  - live
  - meat (crab meat or lobster meat)
  - offal (inedible portions of fish not further processed)
  - round (in-the-round)
  - salted (but not when salting is used as a treatment for preserving)
  - shelled or in the shell
  - stew
  - sticks

Nonexempt Fishery Products:
- Fish (including shellfish)
  - canned (hermetically sealed in containers as a treatment for preserving)
  - corned
  - kippered
  - meal
  - oil
  - pickled
  - salted
  - spiced
  - shells, oyster

Pending problems affecting the fishery exemption.--Despite the clarification of the fishery exemption by the Transportation Act of 1958, there are several problems presently pending before the ICC that stem from the "Grandfather" clause of the Transportation Act of 1958. These problems could indirectly nullify much of the effectiveness of the exemption.

Many of the formerly "exempt" carriers transporting frozen fishery products also hauled frozen fruits, berries, and vegetables to balance their operations and, in many instances, hauled these products in mixed loads with fish. Since frozen fruits, berries, and vegetables are now subject to ICC regulation, these carriers are seeking authority under the "Grandfather" clause to continue hauling such mixtures. Of the approximately 900 carriers who filed "Grandfather" applications, approximately one-half are seeking authority to transport frozen commodities and 97 (21 percent) of those applications include frozen fish and shellfish. As of March 15, 1960, 11 of the 97 applications had been withdrawn by the applicants, and 52 had been heard by the Commission.

A proposed report was filed by an examiner in 27 of the cases that had been considered by the Commission, with the following results:

1. Authority to mix fish with frozen fruits, berries, and vegetables was recommended in nine cases.
2. Authority to mix fish was denied in seven cases due to insufficient proof of prior mixtures.
3. No "Grandfather" authority was recommended in six cases due to failure to prove bona fide or continuous operations.
4. The applicants abandoned the applications in two cases.
5. One applicant was found to possess authority as a common carrier to transport fish.
6. One applicant amended the application to exclude the mixture of fish.
7. One examiner denied the mixture portion of the application on grounds that the Transportation Act of 1958 did not permit such a grant. The Department of Interior and others have intervened in this case and have taken exception to this finding.

Another controversy arising from the mixture practices of "Grandfather" carriers concerns the status of cooked frozen vegetables, such as french fried potatoes, onion rings, cooked squash, and other frozen vegetables. The ICC and certain regulated motor and rail carriers contend that these vegetables were manufactured products and thus were not "exempt" prior to the enactment

of the Transportation Act of 1958. The importance of this issue to the fishery industry lies in the fact that frozen fish often moves in mixed loads with these cooked vegetables, particularly french fried potatoes or onion rings. These mixtures by "Grandfather" carriers would be prohibited if this interpretation of the former agricultural exemption is upheld. The number of carriers available to serve the industry on these mixed loads would be thus substantially reduced.

Of equal importance to the fishery industry is the disposition of the "Grandfather" applications filed pursuant to the Transportation Act of 1958, since issuance of "Grandfather" certificates to all exempt carriers transporting formerly exempt commodities on May 1, 1958, was not made "automatic." On the contrary, "Grandfather" applicants are required to prove:

1. That they were engaged in "bona fide" operations as a for-hire carrier on May 1, 1958.
2. That they serve the points and territories for which authority is sought on, before, and after May 1, 1958.
3. That these operations were conducted "continuously and substantially" and were not interrupted, except for reasons beyond the applicant's control.

A review of the many decisions released thus far by the ICC in these cases reveals that a considerable number of these applications have been denied or dismissed and that the scope of authorities being recommended or granted are substantially less than the scope of operations claimed to have been conducted by the applicants prior to the enactment of this legislation. The principal reason for these differences in the opinions as to the scope of bona fide operations appears to be the Commission's strict application of principles established in connection with "Grandfather" applications filed pursuant to the Motor Carrier Act of 1935 involving general commodities of a nonperishable nature.

The transportation characteristics, distribution practices, and patterns of movement of frozen agricultural and fishery products are substantially different than those of nonperishables; therefore, the shippers may very well lose the flexibility and other advantages of formerly exempt operations unless the specialized nature of these services is recognized. To properly evaluate the direct and indirect effects of the legislative repeal of an exemption from ICC regulation, the fishery industry should carefully observe further developments with respect to the services, rates, and operating rights of formerly exempt carriers.

The findings of this survey should be viewed in the light of the foregoing observations and developments in the fishery exemption. Particular thought should be given to the question of whether the growing and changing needs of the fishery industry during the past decade could have been met under ICC regulation as readily and as satisfactorily as has been the case under the exemption.

DEFINITION OF TERMS

Certain terms used in this study are defined as follows:

Exempt commodity: a product that is transported by motor vehicle, and is not subject to ICC economic regulation.

Exempt carrier: a carrier that possesses no ICC authority to transport regulated commodities.

Exempt carriage: the unregulated movement of exempt products by any type of carrier.

Regulated carrier at exempt rates: a carrier that operates pursuant to an ICC certificate or permit, but transports truckloads of exempt commodities (fish) in exempt carriage at unpublished rates over any route.

Regulated carrier at tariff rates: a regulated carrier that transports fish as a regulated commodity in accordance with ICC authority over prescribed routes, and at published tariff rates.

Private carrier: a person or firm that transports its own products in its own vehicles.

It should also be understood that the mixture of a regulated commodity, such as frozen citrus concentrate, for instance, in a vehicle with an exempt commodity, subject the entire vehicle to ICC economic regulation. The carrier, therefore, would be required to have operating authority over particular routes or within a certain territory and published tariff rates applying on both the regulated and exempt commodities. A regulated carrier, however, may transport a full truckload of fresh or frozen fish either at exempt rates and without regard to operating restrictions contained in its certificate, or transport it in accordance with its operating authority and at its published tariff rates.

INFORMATION FROM THE SHIPPER'S QUESTIONNAIRE

In sending questionnaires, the following procedure was used:

1. A list was made of 1,500 firms that ship fishery products in 27 fish-producing states.
2. The names of 353 firms were selected from that list for sampling, and a questionnaire was sent each.
3. Of the 353 firms, 182 that did not ship in interstate commerce, 12 that had discontinued business, and 4 that could not

furnish information on volume shipped were eliminated. There were 155 firms left.

4. Information from the Shipper's Questionnaire submitted by these 155 firms was used in this study.

The findings were analyzed from the standpoint of (1) firms, (2) quantity of product, and (3) transportation.

Firms

Type of firms interviewed.--Firms interviewed consisting of proprietorships, partnerships, and corporations were asked to rank their business activities in order of importance based on the weight of products shipped. Most of the firms called themselves "producers" first, "distributors" second, and "wholesalers" third. The rankings the firms gave themselves is shown in table 1.

Table 2 gives ranking by categories of business activities. The following is an explanation of these terms. Classical definitions do not necessarily pertain. In the fishing industry, for example, a "producer" is thought of as a fisherman or possibly a boat owner. For the purpose of this study, however, the terms may be defined as follows:

Producer: One who collects fish or shellfish delivered to him at a port from his own fishing vessel or vessels and from other fishing vessels. He may be a dock owner or a buyer at a port auction.

Processor: One who does something more to the fish or shellfish than what is incidental to harvesting. Examples of such incidental treatment would include beheading shrimp at sea, or beheading and gutting varieties of fish that are not normally sold in the round. The processor, in contrast, may fillet, bread, cook, and package.

Distributor: One who usually sells processed fish to others who resell, such as wholesalers.

Wholesaler: One who sells to retailers, restaurants, and hotels.

Other: One who is not included in the above categories. Others include brokers, importers, exporters, buy-and-sell truckers, and firms that are predominantly canners.

Most firms did not confine themselves to one business activity only. A total of 55 firms (36 percent) of the 155 firms for which information is included in this study were engaged in one business activity; 59 (38 percent) were in two activities; and 41 (26 percent) were engaged in three or more.

Types of shippers.--For the years 1956, 1957, and 1958 data were obtained on the quantity of fishery products handled by type of shipper; that is, those who shipped fresh only, frozen only, or both (table 3). The number of firms shipping only fresh fishery products decreased in number, and their share of the total weight shipped in 1956, as compared with 1958, decreased. The number of shippers of only frozen products

Table 1.--Activities ranked by proportionate share of business

First		Second		Third	
Producer	59	Distributor	27	Wholesaler	19
Processor	40	Processor	18	Distributor	5
Wholesaler	25	Wholesaler	17	Processor	5
Distributor	19	Boat owner	17	Boat owner	4
Boat owner	7	Producer	17	Producer	3
Other	5	Other	3	Other	3
Retailer	0	Retailer	2	Retailer	2

Table 2.--Activities ranked by classification

Type of business	First	Second	Third
Producer	59	17	3
Processor	40	18	5
Wholesaler	25	17	19
Distributor	19	27	5
Boat owner	7	17	4
Other	5	3	3
Retailer	0	2	2

remained steady, but the share of the total weight shipped in 1956, as compared with 1958, increased significantly from 38.8 percent in 1956 to about 43 percent in 1958. The number of firms shipping a combination of fresh and frozen products increased, but their share of the total weight shipped in 1956 as compared with 1958, remained the same.

Size of firms.--During 1958, of the total weight of fishery products shipped, 4 firms shipped about 25 percent, 14 firms about 50 percent, and 34 firms about 75 percent. The remaining 25 percent was shipped by 121 firms. Summarized in class intervals of 10, as shown in table 4, the first 10 firms shipped 43 percent of the total weight, the first 20 about 59 percent, and so on.

Quantity

Quantity of fishery products shipped.--The total weight of fresh and frozen fish and shellfish products shipped by the 155 firms increased by 14.4 percent between the years 1956 and 1958 (table 5). The principal increase in those years was in the shipment of frozen fishery products--an increase of 22.2 percent. The movement of fresh fish products showed little change.

There should be caution in relating table 5 figures to production figures. The totals of table 5 represent movement between points. There can be duplication. A shipment from point A to point B, for example, would be included in the statistics. Later, all or a part of that shipment could be included in a

Table 3.--Shipment of fishery products by type of shipper, 1956, 1957, and 1958

Type of shipper	1956			1957			1958		
	Number of firms	Thousand pounds	Percent total weight	Number of firms	Thousand pounds	Percent total weight	Number of firms	Thousand pounds	Percent total weight
Fresh and frozen:									
Fresh.....	-	138,956	23.2	-	142,037	25.9	-	152,387	22.2
Frozen.....	-	158,116	26.4	-	164,569	22.4	-	183,287	26.8
Total.....	58	297,072	49.6	61	306,606	48.3	64	335,674	49.0
Frozen only.....	45	232,327	38.8	43	260,541	41.0	44	293,723	42.9
Fresh only.....	49	69,299	11.6	49	68,339	10.7	47	55,763	8.1
Grand total.....	152	598,698	100.0	153	635,486	100.0	155	685,160	100.0

Table 4.--Fishery products shipped by 155 firms, 1958

[By size in class intervals of ten]

Firms	Total shipped by group	Subtotal	Relative part of subtotal
Number	*Thousand pounds*	*Thousand pounds*	*Percent*
1 - 10	295,438	295,438	43.1
11 - 20	110,770	406,208	59.3
21 - 30	84,718	490,926	71.7
31 - 40	56,450	547,376	79.9
41 - 50	39,496	586,872	85.7
51 - 60	28,650	615,522	89.8
61 - 70	21,530	637,052	93.0
71 - 80	14,990	652,042	95.2
81 - 90	10,000	662,042	96.6
91 - 100	8,586	670,628	97.9
101 - 110	5,312	675,940	98.7
111 - 155	9,220	685,160	100.0

Table 5.--Fresh and frozen products shipped by firms interviewed, 1956-58

[In thousands of pounds]

Product	1956	1957	1958
Fresh	208,255	210,376	208,150
Frozen	390,443	425,110	477,010
Total	598,698	635,486	685,160

movement from point B to C. These data may also include imports, since there is no way to separate the statistics for domestic and imported products in the records submitted by the respondents to the shippers' questionnaire.

Quantity shipped by type of product.--The fresh and frozen categories of fishery products shipped were further analyzed by types of products as shown by tables 6 and 7. More than half of the fresh products shipped in 1956 and in 1958 were whole, beheaded, and

Table 6.--Fresh and frozen fishery products shipped by firms interviewed

[In thousands of pounds]

Product	1956	1957	1958
Fresh products:			
Whole, beheaded and gutted	116,612	117,477	116,423
Fillets, steaks, and portions	42,774	44,977	42,561
Shrimp	14,120	12,509	13,965
Other shellfish	34,749	35,413	35,201
Total fresh products	208,255	210,376	208,150
Frozen products:			
Whole, beheaded, and gutted	39,184	43,421	51,571
Blocks	19,403	17,300	16,180
Fillets, steaks, and portions:			
Raw	124,641	132,452	141,607
Breaded, uncooked	4,114	4,482	7,995
Breaded and cooked	19,370	20,965	28,108
Total fillets, steaks, and portions	148,125	157,899	177,710
Fishsticks:			
Breaded, uncooked	19,857	20,595	28,174
Breaded and cooked	22,431	27,404	23,580
Total fishsticks	42,288	47,999	51,754
Shrimp:			
Raw	66,429	76,336	88,879
Breaded, uncooked	34,810	36,575	40,875
Breaded and cooked	784	731	759
Total shrimp	102,023	113,642	130,513
Other shellfish:			
Raw	22,257	24,562	24,953
Breaded, uncooked	1,084	914	1,077
Breaded and cooked	1,510	1,237	1,013
Total other shellfish	24,851	26,713	27,043
Other fish specialties	14,569	18,136	22,239
Total frozen products	390,443	425,110	477,010

Table 7.--Number of firms shipping fresh and frozen fishery products

Product	1956	1957	1958
Fresh products:			
Whole, beheaded and gutted	58	58	68
Fillets, steaks, and portions	16	15	26
Shrimp	16	16	17
Other shellfish	25	38	36
Total fresh products	115	127	147
Frozen products:			
Whole, beheaded, and gutted	32	33	37
Blocks	7	5	8
Fillets, steaks, and portions:			
Raw	37	37	20
Breaded, uncooked	10	10	10
Breaded and cooked	11	11	11
Total fillets, steaks, and portions	58	58	41
Fishsticks:			
Breaded, uncooked	10	11	11
Breaded and cooked	5	6	8
Total fishsticks	15	17	19
Shrimp:			
Raw	33	32	37
Breaded, uncooked	17	17	22
Breaded, cooked and prepared dishes	5	5	7
Total shrimp	55	54	66
Other shellfish:			
Raw	32	28	34
Breaded, uncooked	8	9	8
Breaded and cooked	3	3	3
Total other shellfish	43	40	45
Other fish specialties	8	8	13
Total frozen products	218	215	229

gutted fish. The weight of this product shipped decreased slightly from 1956-58. Only about 10 percent of the frozen fish were of this category (whole, beheaded, and gutted fish). The largest amount of all frozen products shipped in both 1956 and 1958 and the greatest increase in the weight of frozen products shipped between 1956 and 1958 were in frozen fillets, steaks, and portions. The increase was 29,585,000 pounds. The next largest increase was 28,490,000 pounds of shrimp products, including raw, breaded uncooked, and breaded cooked.

The number of firms shipping the various types of fresh and frozen products is shown in table 7. In both 1956 and 1958 the largest number of firms (58 and 68 respectively) shipped fresh whole, beheaded and gutted fish. Among the firms shipping frozen products in 1958, more handled frozen shrimp than any other product. In 1956 there were 55 firms shipping shrimp products. The shippers of frozen fillets, steaks, and portions decreased from 58 in 1956 to 42 in 1958.

Quantity shipped under regulation and exemption.--About two-thirds of the shipments of fresh and frozen fishery products, both in 1956 and in 1958, were made under exempt rates. About one-fifth were made under regulated rates; and about one-tenth by private carriage or by means of the shippers' own trucks.

The total amount shipped by all types of carriers increased from 598,698,000 pounds

in 1956 to 685,160,000 pounds in 1958, or 12.6 percent. Trucks were used in both 1956 and in 1958 to carry about 93 percent of the total amount of products shipped. The railroads carried 7 percent, with 4 percent carried by railway express and 3 percent by railway freight.

The exempt carriers' share of the total shipments increased slightly in 1958. The regulated carriers, both in 1956 and 1958, carried more under exemption than under their certificated routes at tariff rates. The percentage relationships of total weight of shipments by types of carriers are shown in table 8.

Most shippers indicated that there were no changes in their use of exempt carriers between 1956 and 1958 and that they did not anticipate a change in this use in 1959 (table 9). Thirteen shippers anticipated an increase

Table 8.--Total shipments of 155 firms by type of carrier used, 1956-58

Carrier	1956		1957		1958	
	Thousand pounds	Percent of total	Thousand pounds	Percent of total	Thousand pounds	Percent of total
Exempt motor carrier[1]	231,313	38.7	249,798	39.3	286,136	41.8
Regulated motor carrier at exempt rates[1]	121,643	20.3	134,231	21.1	150,883	22.0
Regulated motor carrier at tariff rates[2]	94,060	15.7	97,808	15.4	88,221	12.9
Owned or leased trucks[3]	70,051	11.7	70,143	11.0	70,491	10.3
Private motor carrier at exempt rates[1]	39,671	6.6	41,048	6.5	47,188	6.9
Railway Express[2]	23,960	4.0	24,458	3.9	24,170	3.5
Rail[2]	18,000	3.0	18,000	2.8	18,000	2.6
Air[2]	-	-	-	-	71	-
Total	598,698	100.0	635,486	100.0	685,160	100.0

[1] Shipped in exempt motor carriers.
[2] Shipped in regulated carriers.
[3] Shipped in private carriers.

Table 9.--Changes in types of transportation used, 1958 vs. 1956 and anticipated changes in 1959

[Number of firms]

Carrier	1958 vs. 1956			Anticipated 1959 vs. 1958		
	No change	Increase in 1958	Decrease in 1958	No change	Increase in 1959	Decrease in 1959
Owned or leased trucks	31	1	2	29	1	-
Regulated trucks at tariff rates	20	2	6	17	1	5
Regulated trucks at exempt rates	56	5	4	54	3	3
Other private trucks at exempt rates	17	2	2	12	1	-
Exempt carriers[1]	80	8	6	69	13	2
Railway express	39	3	5	33	1	3

[1] May include carriers that may be subject to ICC regulation for the first time by the Transportation Act of 1958 ("Grandfather" carriers).

in the use of exempt carriers in 1959. This was by far the greatest amount of change indicated, the next being three firms expecting to use more regulated trucks at exempt rates. The greatest decrease anticipated in 1959 was in regulated carriers at tariff rates.

Transportation

Distribution trends.--The greatest interstate movements of fresh and frozen fishery products, during each year of the survey period 1956-58, was within the Midwest territory. The next greatest occurred from New England to the Middle Atlantic, followed by the movement within the Pacific territory. Table 10 and the map in appendix A give territorial delineations.

The largest total movements in 1958 originated in the New England territory, followed by the Middle Atlantic, Midwest, Pacific, South, and Southwest in that order of importance. In the years 1956 and 1957, the Midwest territory ranked second, and the Middle Atlantic third, whereas the other territories were of the same relative importance.

For territorial receipts from all origins, the Midwest and Middle Atlantic areas were well ahead of other territories. Also these two territories were the only ones where receipts were greater than originations, except in the Mountain region, where there were small receipts, but no firms shipping fishery products were included in the survey sample.

During the survey period, the percentage relationship in the weight of receipts to

Table 10.--Intra- and inter-territorial movement of fresh and frozen fishery products 1956-58

[In thousands of pounds]

Year	Destination	Origin						
		New England	Middle Atlantic	South	Mid-west	South-west	Pacific	Total receipts
1956	New England.....	9,755	2,832	7,080	6,724	2,014	1,006	29,411
	Middle Atlantic...	61,026	26,357	35,221	23,751	24,519	9,052	179,926
	South.....	29,097	15,155	21,022	6,114	3,225	4,103	78,716
	Midwest.....	34,922	33,629	16,475	64,064	20,822	17,379	187,291
	Southwest.....	11,455	12,002	3,821	4,552	3,690	7,495	43,015
	Mountain.....	1,030	1,378	765	1,785	450	9,089	14,497
	Pacific.....	10,651	6,774	2,486	488	1,000	44,443	65,842
	Total.....	157,936	98,127	86,870	107,478	55,720	92,567	598,698
1957	New England.....	10,236	3,712	7,004	7,024	2,021	976	30,973
	Middle Atlantic...	64,174	29,253	34,099	27,894	24,402	10,588	190,410
	South.....	28,150	17,177	21,052	6,580	3,227	3,802	79,988
	Midwest.....	36,544	35,608	18,017	68,565	20,800	19,260	198,794
	Southwest.....	14,285	13,340	3,970	4,976	3,703	7,345	47,619
	Mountain.....	1,075	1,645	837	2,136	450	8,962	15,105
	Pacific.....	12,046	7,849	2,583	493	1,044	48,582	72,597
	Total.....	166,510	108,584	87,562	117,668	55,647	99,515	635,486
1958	New England.....	10,703	5,352	9,419	7,126	1,821	1,215	35,636
	Middle Atlantic...	63,349	34,597	36,017	28,237	26,150	11,498	199,848
	South.....	31,432	20,698	21,239	6,883	3,659	5,953	89,864
	Midwest.....	37,009	39,445	19,383	65,138	20,860	19,465	201,300
	Southwest.....	17,205	16,201	4,338	4,928	3,732	9,570	55,974
	Mountain.....	1,375	2,105	972	2,212	450	5,729	12,843
	Pacific.....	14,512	10,474	2,885	496	1,302	60,026	89,695
	Total.....	175,585	128,872	94,253	115,020	57,974	113,456	685,160

Note.--For delineation of territories, see map in appendix A.

shipments declined from 183 percent in 1956 to 155 percent in 1958 in the Middle Atlantic, whereas the relationship in the Midwest held firm at about 175 percent (table 11). The relationship remained at about 20 percent in the New England territory. There were increases in percentage relationship during the survey period in the South, Southwest and Pacific territories from 91 to 95; 77 to 97; and 71 to 79 percent, respectively.

The percentage relationship of shipments to receipts has generally moved toward 100. It would be erroneous, however, to conclude that the general movement is becoming more local. The intra-territorial movement has remained fairly constant, but patterns of movement have changed. Increases in movement of frozen products and a shift away from the fresh-only shippers are probably two important factors bringing about a change in the distribution patterns. It was noted earlier in the report that there has been little change in the total amount of fresh fish and shellfish moved, but the movement of frozen fishery products during the period of the survey increased by 22 percent. Firms that shipped only fresh fish originated about one-third of the total fresh fish in 1956, but shipped only one-fourth in 1958, leaving the increase to the shippers of both fresh and frozen fishery products.

Transportation practices of shippers.--The interviewed shippers reported that the great majority of their customers do not specify routing. Eighty-seven firms reported that they received no instructions from their customers, whereas only 19 indicated that all of their customers specify the carrier to be used. Twenty-five other firms reported that they received instructions on some shipments, but most of these specified that this affected only 5 to 25 percent of their shipments. Eighty-six shippers reported that they used a bill of lading for exempt carriage, whereas 45 indicated that they do not.

In the period 1956-58, no significant change took place in the relationship of the number of firms which ship fishery products "f.o.b. plant" to those which ship on a "delivered" basis. The relationship is usually equal. Firms shipping "f.o.b. plant" do not pay transportation charges.

Shippers were questioned about the range in weight of their most common less-than-truckload shipments. The predominant lowest less-than-truckload shipments were 100 to 500 pounds; and the highest 5,001 to 10,000 pounds. The predominant lowest truckload shipments were 10,001 to 20,000 pounds; and the highest 20,001 to 25,000 pounds. The lowest weight reported was 20 pounds and the highest, 50,000 pounds (table 12).

A total of 121 firms, 78 percent of those surveyed, reported that they ship fishery products throughout a full 12-month period. The greatest number of firms doing so are located in the South, and the next largest number are located in New England (table 13). The heaviest seasons reported in each of the

Table 11.--Relationship of territorial receipts to territorial shipment, 1956-58

[In thousands of pounds]

Year	Area	Origin	Destination	Percent of amount received to amount shipped
1956	New England	157,936	29,411	18.6
	Middle Atlantic	98,127	179,926	183.4
	South	86,870	78,716	90.6
	Midwest	107,478	187,291	174.3
	Southwest	55,720	43,015	77.2
	Pacific	92,567	65,842	71.1
1957	New England	166,510	30,973	18.6
	Middle Atlantic	108,584	190,410	175.4
	South	87,562	79,988	91.4
	Midwest	117,668	198,794	168.9
	Southwest	55,647	47,619	85.6
	Pacific	99,515	72,597	73.0
1958	New England	175,585	35,636	20.3
	Middle Atlantic	128,872	199,848	155.1
	South	94,253	89,864	95.3
	Midwest	115,020	201,300	175.0
	Southwest	57,974	55,974	96.6
	Pacific	113,456	89,695	79.1

Table 12.--Range in weights of fishery products shipped, by number of firms

Size of loads	Lowest weights		Highest weights	
	Pounds	Number of firms	Pounds	Number of firms
Less than truckloads	0 to 100	33	0 to 5,000	19
	101 to 500	36	5,001 to 10,000	40
	501 to 1,000	20	10,001 to 20,000	19
	1,001 to 6,000	28	over 20,000	2
Truckloads	0 to 5,000	3	Less than 10,000	3
	5,001 to 10,000	12	10,001 to 20,000	13
	10,001 to 20,000	32	20,001 to 25,000	20
	20,001 to 25,000	13	25,001 to 30,000	10
	over 25,000	1	over 30,000	9

Table 13.--Number of firms shipping fishery products 12 months a year and their heaviest shipping seasons, by areas

Area	Firms shipping 12 months a year	Heaviest shipping season			
		Winter	Spring	Summer	Fall
New England.....	32	4	4	5	5
Middle Atlantic...	17	8	4	10	4
South.....	33	18	16	13	23
Midwest.....	13	2	6	2	3
Southwest.....	10	1	2	3	8
Pacific.....	16	10	9	4	6

Note.--Some firms may ship during one or more seasons.

shipping territories were summer and fall in New England, summer in the Middle Atlantic, fall in the South, spring in the Midwest, fall in the Southwest, and winter in the Pacific territory.

Concerning stopoffs required by shippers, it was found that three stopoffs are the most predominant; 31 firms reported that requirement. About one-third of the firms reported on this item require from 4 to 15 stops (table 14).

Table 14.--Number of stopoffs required by firms interviewed

Stopoffs	Firms
1	13
2	23
3	31
4	14
5	8
6	4
7	1
8	3
10	1
12	1
15	1

When asked to state the range in weights of shipments delivered at stopoffs enroute, the firms reported that the most frequent of lowest weights were 500 pounds, 1,000 pounds, and 5,000 pounds (table 15). Of the highest weights reported, one weight, 10,000 pounds, predominated in frequency far above the others.

Special requirements of shippers.--The most frequently mentioned special requirements for handling fishery products were refrigeration, equipment, and service, in that order. Sixty-one of the 77 firms mentioning refrigeration specified a particular temperature, as follows:

0° F.	48
5° F.	6
10° F.	5
15° F.	2
	61

One firm reported a 32° F. requirement for fresh fish. Five firms stated they require certain specific mechanical units; five required re-icing service; three specified only

Table 15.--Lowest and highest weights per stopoff delivered, by firms

Lowest weights		Highest weights	
Number of firms	Pounds	Number of firms	Pounds
1	5	1	100
1	20	1	125
1	25	1	500
6	100	1	1,000
5	200	2	2,000
2	250	9	5,000
3	300	3	6,000
18	500	2	7,000
1	600	2	8,000
16	1,000	30	10,000
1	1,200	5	15,000
2	1,500	6	20,000
6	2,000	2	25,000
2	2,500	2	30,000
4	3,000	2	50,000
3	4,000		
18	5,000		
1	8,000		
4	10,000		

that the product be kept frozen; one required a precooled truck; and one specified merely that temperatures at time of loading be maintained.

The second important requirement pertained to equipment specifications. The requirements given by a number of firms are as follows:

Table 16.--Equipment requirements reported by firms

Equipment	Number of firms
Floor racks	5
6-inch insulation, floor and ceiling	4
6-inch insulation, sides	2
4-inch insulation, sides	1
Sidestrips	1
Tight doors	1
Air circulation around load	1
Ample insulation	2
Special equipment	3
Out-of-town trucks must have "hold-over-plates" to be plugged into 220-volt service	1

The equipment lists submitted by motor carriers show that most of these requirements are met and treated as standard items of service by carriers handling frozen products. Four shippers mentioned the carrying capacity and size of trailers as special requirements. One shipper prohibited loading beyond a point 8 to 16 inches from the ceiling of the trailer. One firm required adequate insurance coverage for a shipment. Forty-one stated they had no special requirements other than those usually provided by refrigerated carriers for handling perishables.

Thirteen firms specified special service requirements, these are:

Table 17.--Service requirements reported by firms

Service	Number of firms
Good service, generally	6
Rush shipments due to perishability	3
Keep schedule	2
Keep crabs alive	1
Two driver operation	1

Seventy-nine firms reported that regulated carriers presently authorized to serve them could not adequately distribute their fresh and frozen fishery products within the scope of the requirements of their certificates. Six answered that they could do so, and 33 answered that they did not know whether they could or not. Of those who answered in the negative, 54 firms advanced service as the reason, including inability or unwillingness to serve specific points or territories (particularly off-line points), lack of flexibility, lack of through service, inconsistent pickups, inadequate scheduling (particularly for multiple stops), and lack of service on holidays. Twelve firms stated that regulated carriers would handle fish as a return haul only. Three shippers found that regulated carriers refused to handle their less-than-truckload shipments. Seven shippers stated that regulated carriers lacked equipment when needed, and one found that this is particularly true when heavy volumes of meat are moving. Another shipper found that regulated carriers lack the necessary equipment licensed to travel through the West and Northwest. Five shippers stated that regulated carrier costs were too high. Others stated reasons were that the regulated carriers lack the necessary trained help and that they are "too independent."

Comparison of motor carrier services.--To compare the services of the exempt and private carriers with those of regulated carriers (whether hauling fish under exempt or regulated rates) for the year 1958, a series of questions were asked of shippers and receivers. A complete list of questions and a tabulation of responses are given in table 18.

Table 18.--Number of replies to questions concerning regulated and exempt carriers

Question	Answers given			
	Regulated carriers		Exempt carriers	
	Yes	No	Yes	No
A. Was supply of trucks adequate to meet your needs?.....	31	55	114	2
B. Was equipment adequate to meet your needs?.....	76	9	114	0
C. Generally would you consider that your products were delivered satisfactorily as to not being defrosted?.....	67	5	87	2
D. If "C" is no, did you have difficulty in recovering damages from the carrier?.....	4	5	1	2
E. Do these carriers carry insurance protection against defrosting?....	20	2	37	13
			(25 do not know)	
F. Do you carry your own insurance protection against defrosting?....	9	66	24	57
			(2 do not know)	
G. Were there any restrictions imposed on your shipments, such as:				
Limited points served?.....	61	23	10	107
Limited area served?.....	56	24	7	109
Limited number of stopoffs?.....	51	30	3	109
Limited to pooling with other shippers freight to make full truckload?.....	56	24	5	109
H. Are there times when your less-than-truckload rates are not greater than truckload rates?.....	24	48	58	35
			(6 do not know)	
I. Are rates based on net weights for your:				
Fresh products?.....	20	34	69	19
			(1 does not know)	
Frozen products?.....	17	40	52	15
J. Do rates fluctuate as supply of trucks fluctuate?.....	4	79	3	109

The services of exempt carriers were more satisfactory with respect to supply of trucks, adequacy of equipment, points and areas served, stopoffs, consolidation of less-than-truckload services, rates on less-than-truckload shipments, and the basis of weight on which freight charges are computed.

In keeping products frozen to the receivers' satisfaction, the services of exempt carriers were slightly more satisfactory than those of other carriers. More shippers, however, carry insurance against defrosting when using exempt carriers than when using regulated carriers. Both types of carriers appeared to be equal with respect to stability of rates, irrespective of the supply of trucks, insurance coverage against defrosting, and payment of claims.

Seventy firms (77 percent of 91 firms that used regulated carriers) stated that there were occasions when regulated carrier equipment was not available. Of these firms, 52 used exempt carriers as an alternative on those occasions; 13 used private carriage; and 15 delayed or cancelled the order and used other modes of transportation. These alternatives were generally not more costly and proved to be as satisfactory as the regulated carriers. Five firms claimed that the alternative service available to them was "better" than that provided by the regulated carriers.

UNITED STATES DEPARTMENT OF THE INTERIOR
Fish and Wildlife Service
Bureau of Commercial Fisheries
Washington 25, D.C.

ADDENDUM

EXEMPT TRUCKING OF FRESH AND FROZEN FISH AND SHELLFISH
IN INTERSTATE COMMERCE
Circular 133

The following table, showing the advantages in using exempt carriers cited by the firms reporting, should follow Table 19, page 17.

Table 19a.--Advantages cited for use of exempt carriers

Advantages cited	Number of citations
Flexible service	62
Dependable service	38
Lower rates	15
Availability of trucks	8
Unlimited operation	8
Regular service	5
Through service	4
Fast service	3
Experience in handling perishables	3
Good equipment	2
More control	2
Full insurance coverage	2
Refrigerated less-than-truckload service	1
Personal interest in serving	1
Charge on net weight	1
Less "red tape"	1
Advantage of mixing loads	1
Fewer claims	1
Less interference	1

Only 13 (12 percent of a total of 106 firms) reported that there were occasions when exempt trucks were not available when needed; 9 of these firms held shipments until they became available. Other alternatives used were as follows: three used regulated carriers, two used private carriage, two used other modes, and one cancelled the order. These alternatives were generally not more costly and were as satisfactory as using exempt carriers.

Of all shippers surveyed, 56 (37 percent), found no advantage in using regulated carriers as compared with only 4 shippers (3 percent) who found no advantage in the use of exempt carriers. The advantages in using regulated carriers and the frequency with which each advantage was given are cited in table 19. Twenty-six firms reported no disadvantages in using regulated carriers, whereas 83 reported no disadvantages in using exempt carriers.

Table 19.--Advantages cited for use of regulated carriers

Advantages cited	Number of citations
More scheduled and regular service	12
More reliability	7
More flexible service	6
Better equipment	3
Faster service	3
Less interference by States	2
Less expensive	2
Standard rates	1
Same service to all shippers	1
Larger area of service	1
Adds to supply of trucks	1
More control over drivers	1
Better safety	1
More terminal facilities	1
More convenient locations	1
None other available	1

Disadvantages reported in using regulated carriers and the frequency at which they were reported are given in table 20.

The disadvantages in using exempt carriers are given in table 21.

Sixty-three shippers obtained exempt trucks direct from the exempt carrier by telephone, 10 obtained them through carrier representatives, and 27 worked through brokers. Others reported as follows: two obtained theirs through regular truckers, two through truck stops, two through dealers, one through daily pickups, one through shipper, and one by oral request of the truck owner.

The most important factors in selecting any type of carrier, in the opinion of the

Table 20.--Disadvantages cited for use of regulated carriers

Disadvantages cited	Number of citations
No desire to haul fish regularly	16
Lack of equipment when needed	13
Higher rates	10
Lack of through service	9
Inflexible operations	8
Slow service	4
Scarcity of less-than-truckload service	4
Not dependable for pickups	3
No specialized handling for perishables	2
Delays for safety checks	1
Only want "easy" loads	1
Frequent claims	1

Table 21.--Disadvantages cited for use of exempt carriers

Disadvantages cited	Number of citations
Lack of financial backing	2
Unreliable	2
Lack of equipment	1
No tracing	1
No maintenance program	1
No scheduled service	1

firms surveyed, were service, responsibility, equipment, and dependability. Only seven firms mentioned cost as a factor. Following is a list of the factors cited and the number of firms reporting on each.

Table 22.--Factors cited in selecting type of carrier

Factors	Number of citations
Service	67
Responsibility	47
Equipment	34
Dependability	18
Cost	7
Personnel	2

The great majority of firms (88) have not found that a lack of satisfactory public transportation prevented them from marketing their products in any particular area. However, 20 firms reported that they have not been able to obtain public transportation between points given in table 23.

Only a few firms had an opinion on the effect of the Transportation Act of 1958 upon the distribution of their products. Two firms reported they found that rates were increased, another firm reported that it was forced to look for other carriers, and a third one reported that the Act reduced return hauls for exempt carriers.

Private carrier operations by fishery firms.--Thirty-nine of the 155 shippers surveyed reported that they owned or leased motor trucks in 1958 to distribute a part of their fishery products in interstate commerce. These firms shipped 210 million pounds of fishery products in 1958, which was about one-third of the total weight of fishery products shipped by all firms surveyed. These firms owned 42 tractor-trailer units and 127 straight trucks. They also leased, as a customary practice, an additional 22 tractor-trailer units. Concerning the latter, three firms reported that they leased the equipment on a regular permanent basis, and two obtained the equipment on a trip-lease arrangement. Two firms reported that they leased equipment on a daily basis, one on a weekly, and one on a monthly basis. The principal reasons for leasing trucks are shown in table 24.

Only two firms reported that they transport products of other firms in their trucks on the forward haul. One reported that it did so regularly, and one reported that it performed this service on about 50 percent of its trips.

Most of the firms reported that they transport their own property on return hauls. Seventeen firms reported that they do this on every trip, 4 reported that they have return hauls from 60 to 95 percent of their trips, and 7 have return hauls on less than 50 percent of their trips. Supplies transported were cans, bait, boxes, barrels, frozen foods, frozen

Table 23.--Lack of public transportation reported

From	To
Newport News, Va.....	Wilkes-Barre, Pa.; San Francisco, Calif.
Tampa, Fla.....	Midwest
Olympia, Wash.....	Arizona
Philadelphia, Pa.....	California; Rocky Mountain Area; Deep Southwest; North Midwest
San Francisco, Calif.	Nevada
Portland, Maine.....	Pennsylvania
Cambridge, Md.....	South Dakota
Galesville, Md.....	New Orleans, La.; Texas
New Orleans, La.....	Indianapolis, Ind.; Milwaukee, Wis.; Chicago area
Gloucester, Mass.....	New Jersey
North Carolina.....	Midwest
Shelton, Wash.....	Dallas, Tex. (frozen oysters)

Table 24.--Reasons given for leasing trucks

Reasons for leasing trucks	Number of firms
Better service.....	26
Lower cost.....	13
Lack of public carriers for short distances.....	3
Poor express service.....	2
Own equipment more accessible when needed.....	2
Driver-salesman routes.....	1
No other transportation for live crabs.....	2
Regulated products shipped.....	1
Multiple stops.....	1
Year-round operation to hold good drivers.....	1
Necessary for consolidation of shipments.....	1
Less investment when leased.....	1

fruits and vegetables, and frozen fishery products.

Vehicles of 10 firms returned empty on all trips, 4 returned empty from 51 to 95 percent of the time, and 5 reported that they return empty at 50 percent or less of the time.

Four firms leased their equipment to others for the return trip, doing so 5, 20, 40, and 95 percent of the time, respectively. One firm operated as an exempt carrier on 15 percent of the return trips.

Most of the private and leased carriage was limited to a service area ranging within a few hundred miles of the owner's or leaseholder's plant. Nineteen firms reported this range of activity. Two firms operated east of the Mississippi, one throughout the West, three along the east coast, one throughout the United States, and four reported delivering to a radius of 1,000 miles.

INFORMATION FROM THE MOTOR CARRIER QUESTIONNAIRE

A second questionnaire entitled Motor Carrier Questionnaire was submitted to carriers found to be serving shippers who responded to the preceding questionnaire. These shippers were asked to give the names and addresses of motor carriers with whom they had dealt in the past. Completed questionnaires were received from 33 out of 201 carriers contacted. Fifteen were from exempt carriers; 14, regulated carriers; 2, private carriers; and 2, truck brokers. Seven of the 15 exempt carriers, 2 of the 4 private carriers and truck brokers, and 8 of the 14 regulated carriers had filed "Grandfather" applications with the ICC under provisions of the Transportation Act of 1958. "Grandfather" rights are discussed on page Of the remaining carriers contacted, 136 either handled little or no fish, did not operate interstate, or did not furnish the information requested. Eight others had discontinued business, and 24 could not be located. In view of the insignificant number of private carriers and truck brokers responding, the results obtained from them are not presented.

Equipment, employees, and service areas

Exempt and regulated carriers used the permanent lease of tractors, and the ownership of trailers and trucks as a predominant method for obtaining their use. Table 25 gives a breakdown of the equipment operated by exempt and regulated carriers as reported to the survey.

Table 25.--Ownership of equipment operated by exempt and regulated carriers

Ownership	Exempt carriers			Regulated carriers		
	Tractor	Trailer	Truck	Tractor	Trailer	Truck
Permanent lease.....	147	123	4	689	466	0
Trip lease.....	40	40	0	0	550	0
Owned.....	67	183	15	242	862	109

Most of the carriers surveyed began hauling fishery products between 1950 and 1956. There was no significant change in the size of motor vehicle fleets in 1958, the survey year, as compared with the 2 preceding years.

Exempt carriers employed 86 nonoperating employees and 774 drivers in 1958. Regulated carriers employed 463 nonoperating employees and 1,007 drivers.

Table 26 gives a record of the number of terminals operated by each type of carrier. The most common number of terminals operated by regulated carriers in 1958 was 4; the greatest number was 14. The most common number operated by exempt carriers was 1, and the largest number was 7.

Carriers were requested to indicate the territories in which they "actively operated" in 1958. Most exempt carriers indicated

Table 26.--Number of terminals operated by exempt and by regulated carriers

Terminals operated	Exempt carrier	Regulated carrier
0	1	0
1	7	1
2	2	2
3	2	1
4	0	3
5	0	1
7	1	2
11	0	2
12	0	1
13	0	1
14	0	1

maintained by exempt and regulated carriers for each vehicle operated was:

$100,000 for personal injury to any one person;
$300,000 for personal injury arising in one accident; and
$100,000 for property damage.

The regulated carriers had the largest amount of coverage. Four carriers maintained from $1 million to $5 million for each of the foregoing types of coverage.

All carriers had cargo insurance. Most exempt carriers had a maximum coverage of $25,000 per load, whereas most regulated carriers had a larger coverage of $30,000 per load. The amounts of insurance maintained for cargo were reported to be generally sufficient to cover the value of loads transported; in those instances when it was not sufficient, carriers generally obtained additional insurance. Approximately the same number of carriers had coverage for mechanical breakdown and failure of refrigeration equipment as those who did not have this coverage. All carriers maintained protection against theft, nondelivery, collision, and upset of vehicles. More regulated carriers had insurance protection against "all risks" than did exempt carriers.

Five exempt carriers reported having paid a total of $7,633 on fishery claims during 1958. The largest exempt carrier reported a loss of $26,000 caused by fire in 1958. Ten regulated carriers paid $9,396 on fishery claims. The most common causes for such claims for both types of carriers were shortage, defrosting, and breakdown, in that order. Five carriers reported that shortage claims constituted 100 percent of all claims they paid.

Weights carried, stops, and rates

The lowest weight of fishery products most frequently handled in less-than-truckload quantities by all types of carriers was 100 pounds, but ranged up to 500 pounds.

Two to five stops were performed most frequently by all types of carriers, with three stops being the most predominant. The range was from 1 to 25 stops for all carriers, but one regulated carrier transporting fresh fish and oysters stated that he was required to make from 30 to 50 stops in transit. Most exempt carriers had no restrictions on the number of stops, whereas the regulated carriers were evenly divided on this issue.

The majority of all three types of carriers used uniform bills of lading generally issued by the shippers. More exempt carriers issued special drivers' instruction sheets than did regulated carriers.

Both exempt and regulated carriers generally used rate sheets, and virtually all carriers responded that they charged shippers the same rate for the same services rendered. The rate information furnished by carriers was not sufficiently comprehensive to reveal any significant trends or conclusions on the relationship between rates of exempt and regulated carriers.

SUMMARY

In the Motor Carrier Act of 1935, Congress exempted truck transportation of fresh and frozen fishery products from economic regulation by the ICC. The Transportation Act of 1958 brought about clarification of several aspects of exemption over which confusion had developed since passage of the 1935 Act. Since passage of the two Acts, pressing need developed for information concerning the exempt carriage of fresh and frozen fishery products. Unlike regulated carriers, exempt carriers have not been required to submit reports to the ICC from which data might be obtained. This study was undertaken to obtain needed information, and for this purpose two questionnaires were prepared. A Shipper's Questionnaire was presented to a selected number of fresh and frozen fish and shellfish processors and wholesalers, and a Motor Carrier Questionnaire was presented to carriers that served the shippers.

Information from the Shipper's Questionnaire

Information from 155 shippers was analyzed from the standpoint of:

1. Firms
   a. Firms interviewed--consisting of proprietorships, partnerships, and corporations--called themselves "producers" first, "distributors" second, and "wholesalers" third. Most firms did not confine themselves to one activity; about a third of the firms were in two activities, and a fourth, were in three or more.
   b. During 1958, out of the 155 firms, 4 firms shipped one-quarter of the fish, 14 firms shipped one-half, and 34 firms shipped three-quarters.
   c. During 1956-58, firms that shipped fresh fish only accounted for about one-tenth of the quantity of fish shipped, those that shipped frozen only accounted for about two-fifths, and those that shipped both fresh and frozen accounted for nearly one-half.

2. Quantity of products
   a. During 1956-58, the amount of fresh fish shipped remained constant at about 200 million pounds per year. The amount of frozen fish shipped, however, increased about 20 percent to about one-half billion pounds per year.
   b. During this period, shipments of fresh fish were about 120 million pounds;

that they operated nationwide, whereas most regulated carriers indicated the Midwest. The distribution of responses is given in the following table:

Table 27.--Number of exempt and regulated carriers in area of operation

Area of operation	Exempt	Regulated	Total
Nationwide.....	5	4	9
New England.....	4	5	9
Middle Atlantic....	4	8	12
South.....	3	6	9
Midwest.....	4	10	14
Southwest.....	2	4	6
Mountain.....	2	3	5
Pacific.....	2	4	6

Commodities transported

Information was obtained about the various types of products transported by exempt, regulated, and private carriers. Among 15 various products, fishery products were carried most frequently by exempt carriers in the forward haul. On the other hand, regulated carriers most frequently carried meat products in the forward haul. Both exempt and regulated carriers reported that they most frequently transport fishery products on the return haul. The list of products and the frequency of carriers in the forward and return movements are given in table 28.

Carriers were asked what weight of fresh and frozen fishery products they transported in 1958. The exempt carriers transported the largest amount of both fresh and frozen products, carrying 64 percent of the combined total weight of exempt and regulated carriers. Sixty percent of the combined total weight of frozen fishery products carried by both exempt and regulated carriers was transported by exempt carriers. (table 29)

Insurance and claims

The predominant coverage of public liability and property damage insurance

Table 28.--Products carried on forward and return hauls by number of carriers

Products	Exempt carriers		Regulated carriers	
	Forward	Return	Forward	Return
Fishery products.....	13	10	2	8
Poultry.....	3	2	-	2
Eggs.....	3	1	-	-
Meat products.....	-	2	7	1
Dairy products.....	-	-	2	-
Frozen fruits and vegetables.....	2	1	1	1
Fresh fruits and vegetables.....	2	2	-	2
Citrus juice.....	-	-	1	-
Exempt commodities.....	-	-	-	2
Green coffee.....	-	1	-	-
General commodities.....	-	-	2	1
Lease.....	-	3	-	-
Frozen foods.....	-	-	3	-
Canned goods.....	-	-	1	-
Rubber products.....	-	-	1	-

Table 29.--Weight of fishery products transported by carriers--1958

Product	Exempt carrier		Regulated carrier	
	Thousand pounds	Number	Thousand pounds	Number
Frozen.....	134,251	12	90,093	10
Fresh.....	37,129	6	7,330	5
Total.....	171,380	18	97,423	15

maintained by exempt and regulated carriers for each vehicle operated was:

$100,000 for personal injury to any one person;
$300,000 for personal injury arising in one accident; and
$100,000 for property damage.

The regulated carriers had the largest amount of coverage. Four carriers maintained from $1 million to $5 million for each of the foregoing types of coverage.

All carriers had cargo insurance. Most exempt carriers had a maximum coverage of $25,000 per load, whereas most regulated carriers had a larger coverage of $30,000 per load. The amounts of insurance maintained for cargo were reported to be generally sufficient to cover the value of loads transported; in those instances when it was not sufficient, carriers generally obtained additional insurance. Approximately the same number of carriers had coverage for mechanical breakdown and failure of refrigeration equipment as those who did not have this coverage. All carriers maintained protection against theft, nondelivery, collision, and upset of vehicles. More regulated carriers had insurance protection against "all risks" than did exempt carriers.

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Weights carried, stops, and rates

The lowest weight of fishery products most frequently handled in less-than-truckload quantities by all types of carriers was 100 pounds, but ranged up to 500 pounds.

Two to five stops were performed most frequently by all types of carriers, with three stops being the most predominant. The range was from 1 to 25 stops for all carriers, but one regulated carrier transporting fresh fish and oysters stated that he was required to make from 30 to 50 stops in transit. Most exempt carriers had no restrictions on the number of stops, whereas the regulated carriers were evenly divided on this issue.

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SUMMARY

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Information from the Shipper's Questionnaire

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1. Firms
   a. Firms interviewed--consisting of proprietorships, partnerships, and corporations--called themselves "producers" first, "distributors" second, and "wholesalers" third. Most firms did not confine themselves to one activity; about a third of the firms were in two activities, and a fourth, were in three or more.
   b. During 1958, out of the 155 firms, 4 firms shipped one-quarter of the fish, 14 firms shipped one-half, and 34 firms shipped three-quarters.
   c. During 1956-58, firms that shipped fresh fish only accounted for about one-tenth of the quantity of fish shipped, those that shipped frozen only accounted for about two-fifths, and those that shipped both fresh and frozen accounted for nearly one-half.
2. Quantity of products
   a. During 1956-58, the amount of fresh fish shipped remained constant at about 200 million pounds per year. The amount of frozen fish shipped, however, increased about 20 percent to about one-half billion pounds per year.
   b. During this period, shipments of fresh fish were about 120 million pounds;

fresh fillets, steaks, and portions about 43 million pounds; and fresh shellfish, about 49 million pounds. During 1958, shipments of frozen fillets, steaks, and portions were about 180 million pounds; frozen fishsticks, about 52 million pounds; and frozen shellfish, about 160 million pounds.

c. Both in 1956 and 1958, about two-thirds of the shipments of fresh and frozen fishery products were made under exempt rates. About one-fifth were made under regulated rates; and about one-tenth, under private carriage or by means of the shippers' own trucks.

3. Transportation

a. During 1956-58, the greatest interstate movements of fresh and frozen fishery products occurred within the Midwest territory. The next greatest occurred from New England to the Middle Atlantic, followed by the movement within the Pacific territory.

b. The number of firms that ship their products "f.o.b. plant" and thus do not pay transportation charges was about equal to the number that ship on a "delivered" basis. Most firms did not specify routing. The predominant lowest truckload shipments were 10,000 to 20,000 pounds; and the highest, 20,000 to 25,000 pounds. Most firms shipped throughout the year and required three stopoffs.

c. The most frequently mentioned special requirements for handling fishery products were refrigeration, equipment, and service, in that order.

d. In comparison with regulated carriers, the services of exempt carriers were more satisfactory with respect to supply of trucks, adequacy of equipment, points and areas served, stopoffs, consolidation of less-than-truckload services, rates on less-than-truckload shipments, and the basis of weight on which freight charges are computed.

e. Thirty-nine of the 155 shippers surveyed owned or leased motor trucks and transported about one-third of the total weight of fishery products shipped by the 155 firms. Only two firms reported that they transport products of other firms on the forward haul, and most transport their own property on return trips. Most of the private and leased carriers were limited to a service area within a few hundred miles of the plant.

Information from the Motor Carrier Questionnaire

Information from the survey of motor carriers were analyzed from the standpoint of the service provided by all carriers.

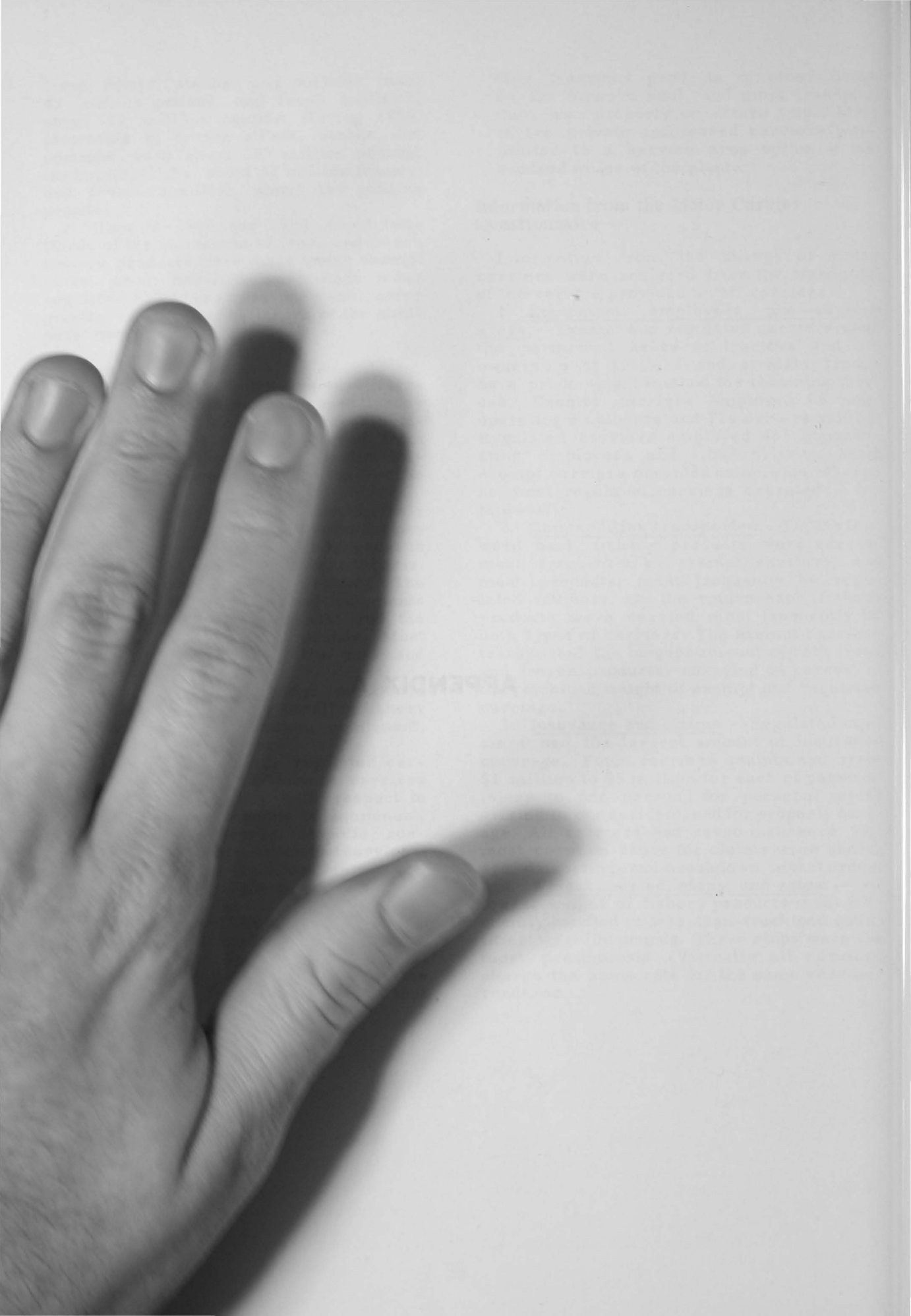
1. Equipment, employees, and service areas.--Exempt and regulated carriers used the permanent lease of tractors and the ownership of trailers and straight trucks as a predominant method for obtaining their use. Exempt carriers employed 86 nonoperating employees and 774 drivers in 1958. Regulated carriers employed 463 nonoperating employees and 1,007 drivers. Most exempt carriers operated nationwide, whereas most regulated carriers operated in the Midwest.

2. Commodities transported.--On the forward haul, fishery products were carried most frequently by exempt carriers; and meat products, most frequently by regulated carriers. On the return haul, fishery products were carried most frequently by both types of carriers. The exempt carriers transported the largest amount of both fresh and frozen products, carrying 64 percent of the combined weight of exempt and regulated carriage.

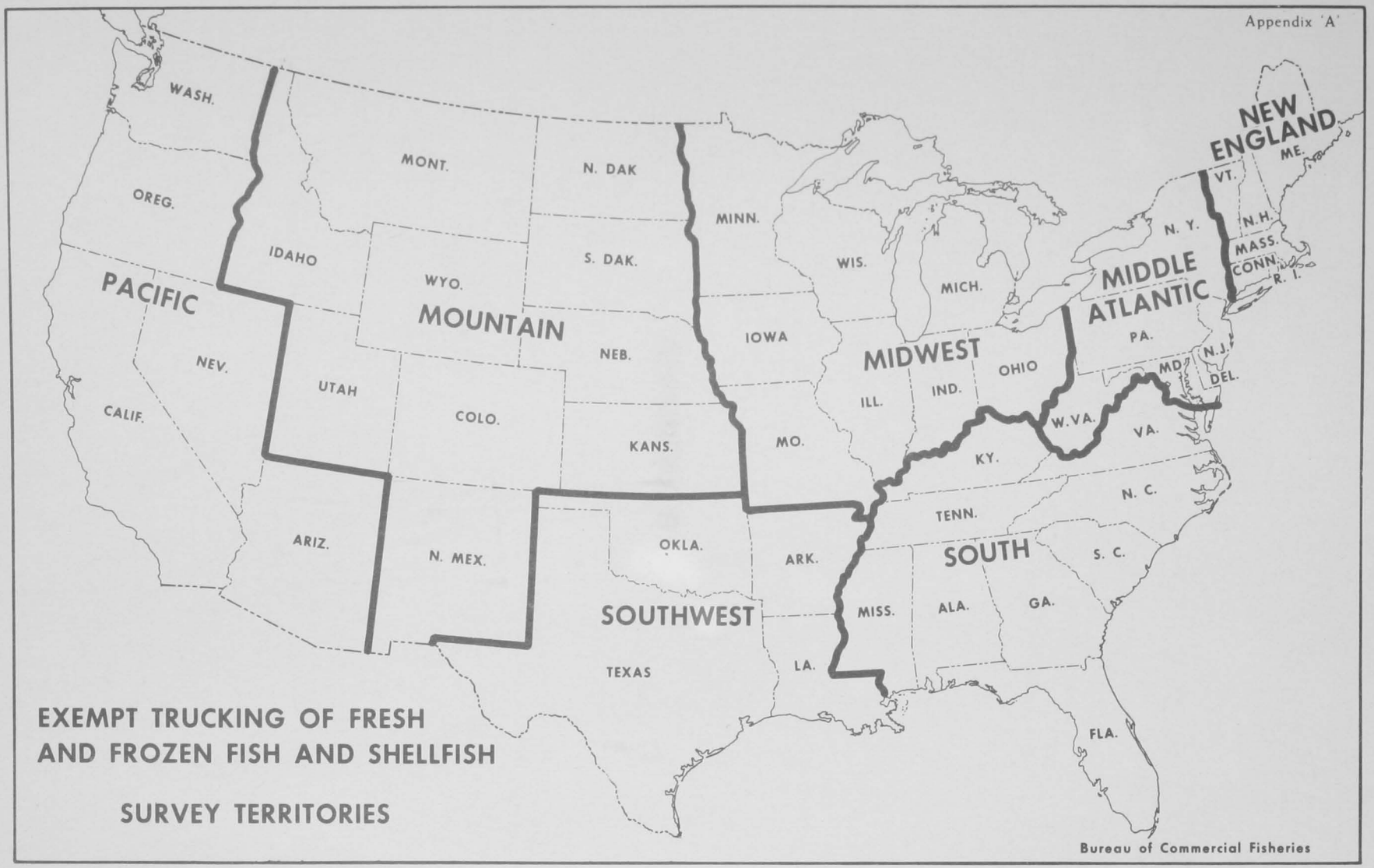
3. Insurance and claims.--Regulated carriers had the largest amount of insurance coverage. Four carriers maintained from $1 million to $5 million for each of personal injury to one person, for personal injury arising in one accident, and for property damage. All carriers had cargo insurance. The most common cause for claims were shortage, defrosting, and breakdown, in that order.

4. Weight carried, stops, and rates.--The lowest weight of fishery products most frequently handled in less-than-truckload quantities was 100 pounds. Three stops were the most predominant. Virtually all carriers charge the same rate for the same services rendered.

APPENDIX A



Appendix 'A'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N.H.
ME.
MASS.
CONN.
R. I.
PACIFIC
MOUNTAIN
MIDWEST
SOUTHWEST
SOUTH
MIDDLE ATLANTIC
NEW ENGLAND
EXEMPT TRUCKING OF FRESH AND FROZEN FISH AND SHELLFISH
SURVEY TERRITORIES
Bureau of Commercial Fisheries

APPENDIX B

UNITED STATES DEPARTMENT OF THE INTERIOR
Bureau of Commercial Fisheries
Branch of Economics
Washington 25, D.C.

For use in connection with:
Budget Bureau No. 42-5823
and 42-5824

INSTRUCTIONS TO INTERVIEWER

STUDY OF EXEMPT TRUCKING OF FRESH AND FROZEN FISH AND SHELL FISH (Forms 1 and 2)

PURPOSE

The purpose of the Survey is to ascertain the significance of exempt trucking in the transportation and distribution of fresh and frozen fishery products. The information developed will be used by the Bureau in connection with regulatory and legislative events concerning the fishery exemption from Interstate Commerce Commission regulation.

SCOPE

The survey covers: (a) Fresh and frozen fish and shellfish; (b) moving in inter-state or foreign commerce, (c) via motor trucks.

DEFINITIONS

1. Exempt Carrier - A carrier which is "exempt" from I.C.C. rate and certificate regulations (but subject to Safety and Drivers' Hours of Service regulations). The exemption stems from the carrier's transportation of agricultural and fishery commodities which are exempt from I.C.C. regulation.

2. Regulated Carriers. A carrier which transports non-exempt commodities and holds a common carrier "certificate" or a contract carrier "permit". These carriers are identified by means of a number preceded by the letters "MC".

3. Private Carrier. This term is used to identify a shipper (a meat packer, for instance) which owns or leases trucks for the transportation of property which it owns. Private carriers often become exempt carriers by hauling exempt commodities on the return trips to their origin points.

4. "Grandfather" Carrier. The Transportation Act of 1958 regulated frozen fruits, berries and vegetables, and fresh bananas - commodities which were exempt prior to August 12, 1958. This law provided that persons who previously transported these exempt commodities may obtain an I.C.C. certificate to continue that same operation. This provision is generally referred to as a "Grandfather" provision and thus the carriers complying with its conditions are known as "grandfather" carriers.

5. Tariff and Tariff Rate. These terms, as used in this questionnaire, mean a tariff and rate published by a regulated carrier and filed with the I.C.C.. The term should not be confused with a "Tariff" or rate which may be issued by an exempt or private carrier on a typewritten or printed sheet which is not filed with the I.C.C. The difference between a regulated tariff rate and an exempt rate is that tariff rates must be filed with the approved by the I.C.C., and cannot be filed, changed, or cancelled on less than thirty days' notice to the public, except under certain conditions. A rate published to apply between two points is applicable to all shippers moving traffic between those two points. Exempt rates can be changed at will and different rates can be charged to different shippers for the same transportation services.

6. Trip-Lease. The term "trip-Lease" refers to an arrangement whereby a trucker leases his vehicle and driver to a carrier for one-way transportation, generally for the purpose of obtaining a pay-load back to his base of operations.

(continued)

7. Permanent Lease. This term is generally used to describe an arrangement whereby an owner of a truck, which he often drives himself, leases his vehicle to a carrier under a long-term lease, generally for one year.

8. Exempt Commodities. Commodities which fall within the term "ordinary livestock, fish (including shellfish), or agricultural (including horticultural) commodities (not including manufactured products thereof)" are listed in the Bureau of Motor Carriers' Ruling #107 and 110. These commodities, generally referred to as "exempt" commodities, presently include - insofar as pertinent herein - the following commodities:

A. FISH AND SHELLFISH.

All fresh or frozen fish and shellfish in various forms
Breaded fish and shellfish
Cooked fish or shellfish
Cakes
Canned, but only when placed in hermetically sealed containers for cleanliness, where preservation is attained by refrigeration. If canned as a treatment for preserving, such as products generally known as "canned goods", they are not exempt.
Clam juice or Broth
Croquettes
Devilled crabs, clams or lobsters
Dinners, containing fish or shellfish
Frogs
Stews - oyster or clam
Sticks
Turtle and Whale meat.

NOTE: The following fishery products are not exempt:-

Smoked, salted, pickled, spiced, corned, kippered or canned products, where these products are treated for preserving; oyster shells; fish meal and scrap, and fish oils.

B. AGRICULTURAL PRODUCTS.

Fruits and vegetables, fresh, dried, or dehydrated
Eggs - fresh, frozen, or powdered.
Horticultural commodities

Nuts - shelled or unshelled
Milk and cream - fresh, frozen or powdered.
Poultry - fresh or frozen
Rabbits - fresh or frozen

NOTE: The following products are not exempt:-

Meat and meat products
Dairy products - such as cheese and butter and (after August 12, 1958) frozen fruits, berries and vegetables.

C. MIXED TRUCKLOADS.

The mixture of different commodities in the same truck often raises a question as to the status of the commodities. The rule is that if one pound of a non-exempt (regulated) commodity is transported in the same truck and at the same time with an exempt commodity, the exempt commodity loses its exemption. The carrier must then have a certificate authorizing it to transport both the regulated and the exempt commodities and must have a rate published on both commodities between the points being served.

####

APPENDIX C

Serial No. _____ Interviewer _____

Date _____

UNITED STATES DEPARTMENT OF THE INTERIOR
Bureau of Commercial Fisheries
Branch of Economics
Washington 25, D. C.

Budget Bureau No. 42-5824

Approval Expires June 30, 1959

STUDY OF EXEMPT TRUCKING OF FRESH AND FROZEN FISH AND SHELLFISH

FORM 1

SHIPPER'S QUESTIONNAIRE

There will be no public disclosure of individual returns. Your reply will be used for statistical purposes under conditions which would not reveal the operations of any single firm. All information will be kept confidential.

Firm name _____ _____

Name and title of person interviewed _____

Local address _____ Telephone number _____

Headquarters address _____ _____ _____

PART I

Shipper's Operations

1. Rank the business activities of your firm in order of importance based on the weight of products shipped.

   Processor _____ Distributor _____ Carrier _____

   Wholesaler _____ Retailer _____ Other _____

   Boat owner _____ Producer _____

2. Do you hire motor transportation other than leased trucks to distribute fresh and frozen fishery products outside of your State? Yes _____ No _____

   If yes, please complete Part I. If no, go to Part II.

3. List the exempt, private, and regulated motor carriers you regularly use:

Name	Address

4. A. What was your total volume of fishery products shipped:

	1956	1957	1958
	(In thousands of pounds)		
(1) Of fresh fish and shellfish			
(2) Of frozen fish and shellfish			
(3) Total (Line (1) plus Line (2))			

4. B. Show the percentage of the total fresh plus frozen fish and shellfish (Question 4. A. line (3) above) at which you shipped f.o.b. your plant and did not pay any transportation charges.

_____ percent 1956 _____ percent 1957 _____ percent 1958

C. Show percentage of the total fresh plus frozen fish and shellfish (Question 4. A. line (3) above) for each of the following listed types of fishery products shipped:

	1956	1957	1958
	(Percent)		
FRESH:			
(1) Whole fish, beheaded, and gutted fish	___	___	___
(2) Fillets, steaks, portions, etc.	___	___	___
(3) Shrimp	___	___	___
(4) Other shellfish _____ (specify)	___	___	___
FROZEN:			
(5) Whole fish, beheaded, and gutted fish	___	___	___
(6) Blocks	___	___	___
(7) Fillets, steaks, portions, etc:			
(a) Raw	___	___	___
(b) Breaded, uncooked	___	___	___
(c) Breaded and cooked	___	___	___
(8) Fish sticks:			
(a) Breaded, uncooked	___	___	___
(b) Breaded and cooked	___	___	___
(9) Shrimp:			
(a) Raw	___	___	___
(b) Breaded, uncooked	___	___	___
(c) Breaded and cooked, and other prepared dishes	___	___	___
(10) Other shellfish _____ (specify):			
(a) Raw	___	___	___
(b) Breaded, uncooked	___	___	___
(c) Breaded and cooked, and other prepared dishes	___	___	___
(11) Other fish specialties, viz. dinners, patties, pies, etc.			
_____	___	___	___
_____	___	___	___
_____	___	___	___
Total	100	100	100

4. D. Show percentage of the total fresh plus frozen fish and shellfish (Question 4. A. line (3) above) that was shipped by:

	1956	1957	1958	Estimated 1959
	(P e r c e n t)			
(1) Your own or leased trucks	____	____	____	____
(2) Regulated trucks at tariff rates	____	____	____	____
(3) Regulated trucks at exempt rates	____	____	____	____
(4) Other firms' private trucks at exempt rates	____	____	____	____
(5) Exempt carrier (including 1958 "Grandfathers")	____	____	____	____
(6) Railway Express	____	____	____	____
(7) _____	____	____	____	____
(8) _____	____	____	____	____
Total	100	100	100	100

E. Of your total exempt carriage what percentage was shipped to each of the following areas:

	1956	1957	1958
	(P e r c e n t)		
From _____*			
To New England	____	____	____
To Mid-Atlantic	____	____	____
To South	____	____	____
To Mid-West	____	____	____
To Southwest	____	____	____
To Mountain	____	____	____
To Pacific	____	____	____
Total	100	100	100

5. What were your total transportation costs, and what percentage of total sales did the transportation cost represent:

	1956	1957	1958
Transportation costs ($)	____	____	____
Percent of total sales (%)	____	____	____

6. What percentage of your total customers specify routing or carrier?

_____ percent, 1956 _____ percent, 1957 _____ percent, 1958

7. Into what range of weight do your most common shipments fall:

Less than truck load _____ lbs. to _____ lbs.

Truck load _____ lbs. to _____ lbs.

8. Do you use a Bill of Lading for shipments made in exempt carriage? Yes __ No __

9. How many months a year do you ship? _____ What is your heaviest season? _____

---

* Use separate sheet for multiple operations.

PART II

Shippers owned or leased truck operations

Did your company own or lease motor trucks to distribute your fresh and frozen fishery products outside of your State during 1958? Yes _____ No _____

If yes, please complete Part II. If no, go to Part III.

1. What is the scope of your truck operation? (Area, routes, territories, etc.)

_____

_____

2. A. How many vehicles do you own?

Number	Type or capacity
_____	_____
_____	_____
_____	_____

B. How many vehicles do you usually lease?

_____	_____
_____	_____
_____	_____

C. Describe the leasing operation, such as one way trip, monthly, and if limited to certain territories.

_____

_____

3. Why do you own or lease equipment? _____

_____

4. A. Indicate utilization on the return trip of the equipment you operate:

		Products carried
Haul own property	____%	_____
Lease equipment	____%	_____
Become an exempt carrier	____%	_____
Other	____%	_____
Return empty	____%	

B. On the outbound movement do you regularly haul other firms' products in the trucks that you operate? Yes ___ No ___

If yes, how often and how does this volume compare with yours? _____

_____

5. If there have been any significant changes in the number or types of equipment you operate or scope of operations in the past three years or if you expect any changes in truck operations next year, please describe.

_____

_____

PART III

Service Requirements

1. What are your special requirements for equipment that is used in transporting your fresh and frozen fishery products, such as temperature maintenance, air circulation, loading capacity, etc.? _____

_____

2. What percentage of your mixed truckload shipments contain cooked, breaded, and prepared specialty products? _____ percent

3. How many stop offs are required for the usual truckload shipment which you originate? _____

   What is the range in weight of shipment for each stop off?

   _____ lbs. to _____ lbs.

4. Could regulated carriers presently authorized to serve you, adequately distribute your fresh and frozen fishery products within the scope of their certificate? Yes _____ No _____ Don't know _____

   If no, why? _____

PART IV

Comparison of Motor Carrier Services

1. Please answer the following concerning regulated carriers:

	1958 Yes	1958 No
A. Was supply of trucks adequate to meet your needs?	___	___
B. Was equipment adequate to meet your needs?	___	___
C. Generally would you consider that your products were delivered satisfactory as to not being defrosted?	___	___
D. If "C" is no, did you have difficulty in recovering damages from the carrier?	___	___
E. Do these carriers carry insurance protection against defrosting?	___	___
F. Do you carry your own insurance protection against defrosting?	___	___
G. Were there any restrictions imposed on your shipments such as:		
Limited points served?	___	___
Limited area served?	___	___
Limited number of stop offs?	___	___
Limited to pooling with other shippers freight to make full truck load	___	___
H. Are there times when your LTL rates are no greater than TL rates?	___	___
I. Are rates based on net weights for your:		
Fresh products?	___	___
Frozen products?	___	___

	1958 Yes	1958 No
J. Do rates fluctuate as supply of trucks fluctuate?	___	___
K. Were there occasions when regulated trucks were not available?	___	___

If yes, what did you do? _____

_____

Was alternative means more costly? _____

As satisfactory? _____

L. What are the advantages to your firm in using regulated carriers? ____

_____

_____

M. What are the disadvantages to your firm in using regulated carriers?

_____

_____

2. Please answer the following concerning exempt and private carriers:

	1958 Yes	1958 No
A. Was supply of trucks adequate to meet your needs?	___	___
B. Was equipment adequate to meet your needs?	___	___
C. Generally would you consider that your products were delivered satisfactory as to not being defrosted?	___	___
D. If "C" is no, did you have difficulty in recovering damages from the carrier?	___	___
E. Do these carriers carry insurance protection against defrosting?	___	___
F. Do you carry your own insurance protection against defrosting?	___	___
G. Were there any restrictions imposed on your shipments such as:		
Limited points served?	___	___
Limited area served?	___	___
Limited number of stop offs?	___	___
Limited to truck loads?	___	___
Limited to pooling with other shippers freight to make full truck load?	___	___
H. Are there times when your LTL rates are no greater than TL rates?	___	___
I. Are rates based on net weights for your:		
Fresh products?	___	___
Frozen products?	___	___

	1958 Yes	1958 No
J. Do rates fluctuate as supply of trucks fluctuate?	___	___
K. Were there occasions when exempt trucks were not available?	___	___

If yes, what did you do? _____

_____

Was alternative means more costly? _____

As satisfactory? _____

L. What are the advantages to your firm in using exempt carriers? _____

_____

_____

M. What are the disadvantages to your firm in using exempt carriers? _____

_____

3. How do you obtain exempt trucks? _____

_____

4. What factors do you feel are the most important in selecting carriers?

_____

5. Is there any area in which you would like to market your products, but have not been able to do so, because of the lack of satisfactory public transportation? Yes ___ No ___

If yes, explain _____

_____

6. If you have principal movements to any of these selected metropolitan areas, please complete the following: (Use separate sheet for multiple operations)

Destinations	Origin	Principal products	Estimated 1958 weight	Current: Exempt carrier rate*	Current: Regulated carrier actual rates charged*	Tariff rate* (if known)
New England:						
Boston, Mass.	___	___	___	___	___	___
Mid-Atlantic:						
Baltimore, Md.	___	___	___	___	___	___
Buffalo, N.Y.	___	___	___	___	___	___
New York, N.Y.	___	___	___	___	___	___
Philadelphia, Pa.	___	___	___	___	___	___
Pittsburgh, Pa.	___	___	___	___	___	___
Washington, D. C.	___	___	___	___	___	___
South:						
Atlanta, Ga.	___	___	___	___	___	___
Miami, Fla.	___	___	___	___	___	___

(See footnote at end of question.)

Destinations	Origin	Principal products	Estimated 1958 weight	Current: Exempt carrier rate*	Current: Regulated carrier actual rates charged*	Current: Tariff rate* (if known)
Mid-West:						
Chicago, Ill.						
Cincinnati, O.						
Cleveland, O.						
Detroit, Mich.						
Kansas City, Mo.						
Milwaukee, Wis.						
Minneapolis, Minn.						
St. Louis, Mo.						
Southwest:						
Dallas, Tex.						
Houston, Tex.						
New Orleans, La.						
Mountain:						
Denver, Colo.						
Pacific:						
Los Angeles, Cal.						
San Diego, Cal.						
San Francisco, Cal.						
Seattle, Wash.						
Other:						

* If not in gross weight, indicate gross weight of unit used.

If the regulation of the formerly exempt carriers by the Transportation Act of 1958 has had any affect on the distribution of your products, please describe:

_____

_____

General remarks that the respondent would like to make _____

_____

_____

APPENDIX D

Serial No. _____ Interviewer _____

Date _____

UNITED STATES DEPARTMENT OF THE INTERIOR
Bureau of Commercial Fisheries
Branch of Economics
Washington 25, D. C.

Budget Bureau No. 42-5823

Approval Expires June 30, 1959

STUDY OF EXEMPT TRUCKING OF FRESH AND FROZEN FISH AND SHELLFISH

FORM 2

MOTOR CARRIER QUESTIONNAIRE

There will be no public disclosure of individual returns. Your reply will be used for statistical purposes under conditions which would not reveal the operations of any single firm. All information will be kept confidential.

Firm name _____

Name and title of person interviewed _____

Local address _____ Telephone number _____

Headquarters address _____

PART I

Operations

1. What type of business do you operate?

   Exempt Carrier ____ Private Carrier ____ Truck Brokerage ____

   Regulated Carrier MC No. _____ Effective date _____

   1958 "Grandfather" Applicant MC No. _____

   Other _____

2. When did your Company begin hauling fishery products?

   Prior to 1935 ____ Between 1935 and 1950 ____ Between 1950 and 1955 ____

   Between 1956 and 1958 ____

3. A. How many vehicles do you currently operate?

	Tractors	Trailers	Straight trucks
(a) Permanent lease	_____	_____	_____
(b) Trip lease	_____	_____	_____
(c) Owned	_____	_____	_____

   B. Were there any significant equipment differences in 1958 as compared to 1956 and 1957? Yes ___ No ___

   If yes, explain _____

   _____

4. Furnish details of present equipment on attached Sheet. (Appendix A)

5. What is the 1958 average number of employees, including owner-operator drivers, used for your entire operation?

   Drivers _____ Non-operating _____

6. List your terminals or offices operated during 1958. _____

_____

_____

_____

7. Check below the Areas in which you actively operated in 1958.

Nationwide	_____	Mid-West	_____
New England	_____	Southwest	_____
Mid-Atlantic	_____	Mountain	_____
South	_____	Pacific	_____

8. A. In 1958 did you generally haul fishery products as a return or a backhaul movement? Yes _____ No _____

B. What was the most important commodity on your

Primary movement? _____

Return movement? _____

9. A. Approximately how many pounds of fishery products did you haul in 1958?

Frozen _____ lbs.

Fresh _____ lbs.

B. Were there any significant differences between the quantities of fishery products hauled in 1958 as compared to quantities hauled in 1956 and 1957? Yes _____ No _____

If yes, explain _____

_____

C. If both fresh and frozen fishery products were hauled in the same vehicle at the same time, how were they usually separated?

_____

_____

10. A. What was the total quantity and revenue of all your traffic for 1958?

_____ lbs. $ _____

B. Of the above totals show the percentage comprised of fish and shellfish.
Pounds _____ percent Dollars _____ percent

C. Were there any significant differences between the proportion of fish and shellfish to total quantities and revenues in 1958 as compared to the proportion in 1956 and 1957? Yes _____ No _____

If yes, explain _____

_____

11. What were your over-all operating ratios $\left(\frac{\text{operating expenses}}{\text{operating revenues}}\right)$ for 1956, 1957, and 1958? 1956 ____% 1957 ____ % 1958 ____% Don't know ____

12. What are the maximum limits of your public liability insurance?

(a) Personal injury - one person $ _____
(b) Personal injury - one accident _____
(c) Property damage _____

Destinations	Origin	Principal products	Estimated 1958 weight	Current: Exempt carrier rate*	Current: Regulated carrier actual rates charged*	Current: Tariff rate*
Mid-West:						
Milwaukee, Wis.						
Minneapolis, Minn.						
St. Louis, Mo.						
Southwest:						
Dallas, Tex.						
Houston, Tex.						
New Orleans, La.						
Mountain:						
Denver, Colo.						
Pacific:						
Los Angeles, Cal.						
San Diego, Cal.						
San Francisco, Cal.						
Seattle, Wash.						
Other:						

* If not in gross weight, indicate gross weight of unit used.

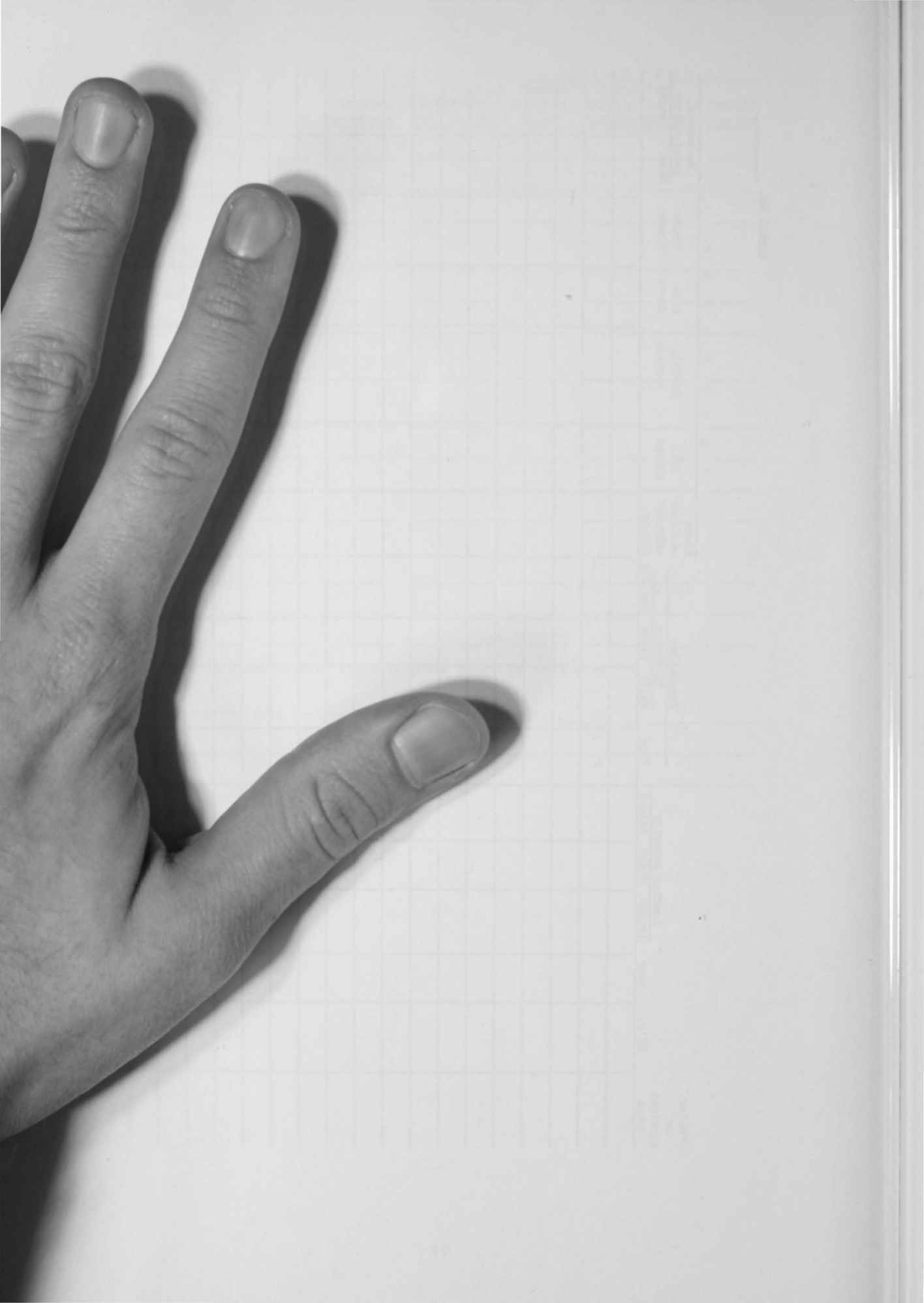
General remarks that the respondent would like to make _____

_____

_____

Serial No. _____

Trailer or straight truck	Mf'r.	Year	Loading capacity			Insulation				EQUIPMENT						
							Thickness			Floor racks or extruded floors	Wall strips	Movable curtain	Side doors	Bunker blower	Mechanical refrigerator	
			Length	Width	Height	Type	Walls	Floor	Ceiling						Make	Model



APPENDIX E

NEW YORK CITY SALT-WATER MARKET RECEIPTS
OF FRESH AND FROZEN FISH AND SHELLFISH
BY PRINCIPAL MODES OF TRANSPORTATION,
1947 - 1960

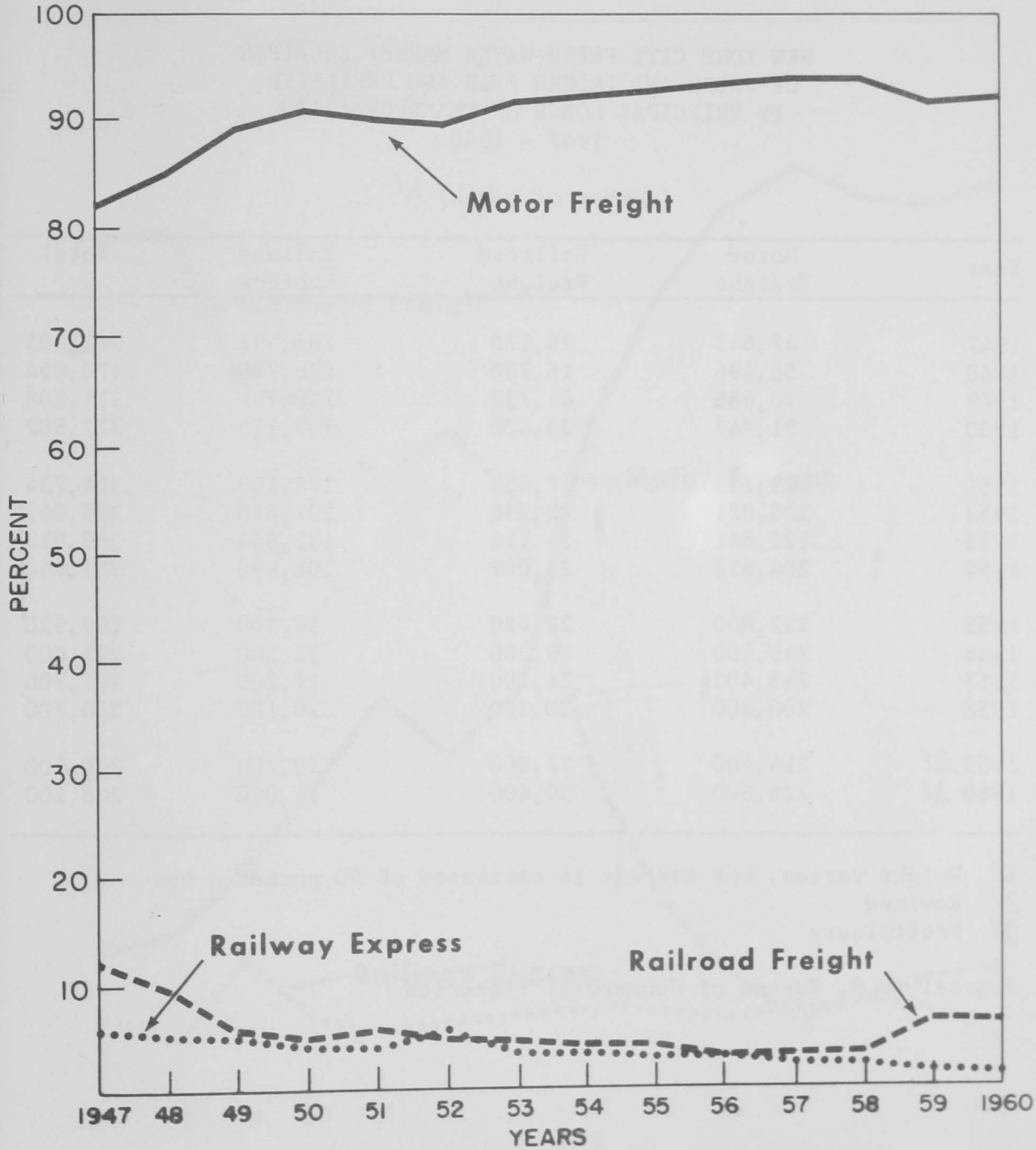
(thousands of pounds) 1/

Year	Motor Freight	Railroad Freight	Railway Express	Total
1947	140,067	20,400	10,100	170,567
1948	143,464	16,400	9,100	168,964
1949	147,721	9,102	8,801	165,624
1950	142,618	7,730	6,896	157,244
1951	140,173	8,903	6,645	155,721
1952	144,644	8,134	8,870	161,648
1953	145,038	7,196	5,724	157,958
1954	140,460	6,448	5,424	152,332
1955	141,239	6,293	4,801	152,333
1956	137,990	4,781	4,664	147,435
1957	147,516	5,271	4,031	156,818
1958	143,834	5,319	3,925	153,078
1959 2/	139,300	10,000	2,600	151,900
1960 3/	140,000	9,800	2,200	152,000

1/ Net weight
2/ Revised
3/ Preliminary

Source: U.S. Bureau of Commercial Fisheries

NEW YORK CITY
PERCENT OF SALT-WATER MARKET RECEIPTS OF FRESH AND FROZEN FISHERY PRODUCTS CARRIED BY PRINCIPAL MODES OF TRANSPORT
1947-1960



Source: U. S. Bureau of Commercial Fisheries

NEW YORK CITY FRESH-WATER MARKET RECEIPTS
OF FRESH AND FROZEN FISH AND SHELLFISH
BY PRINCIPAL MODES OF TRANSPORTATION,
1947 - 1960

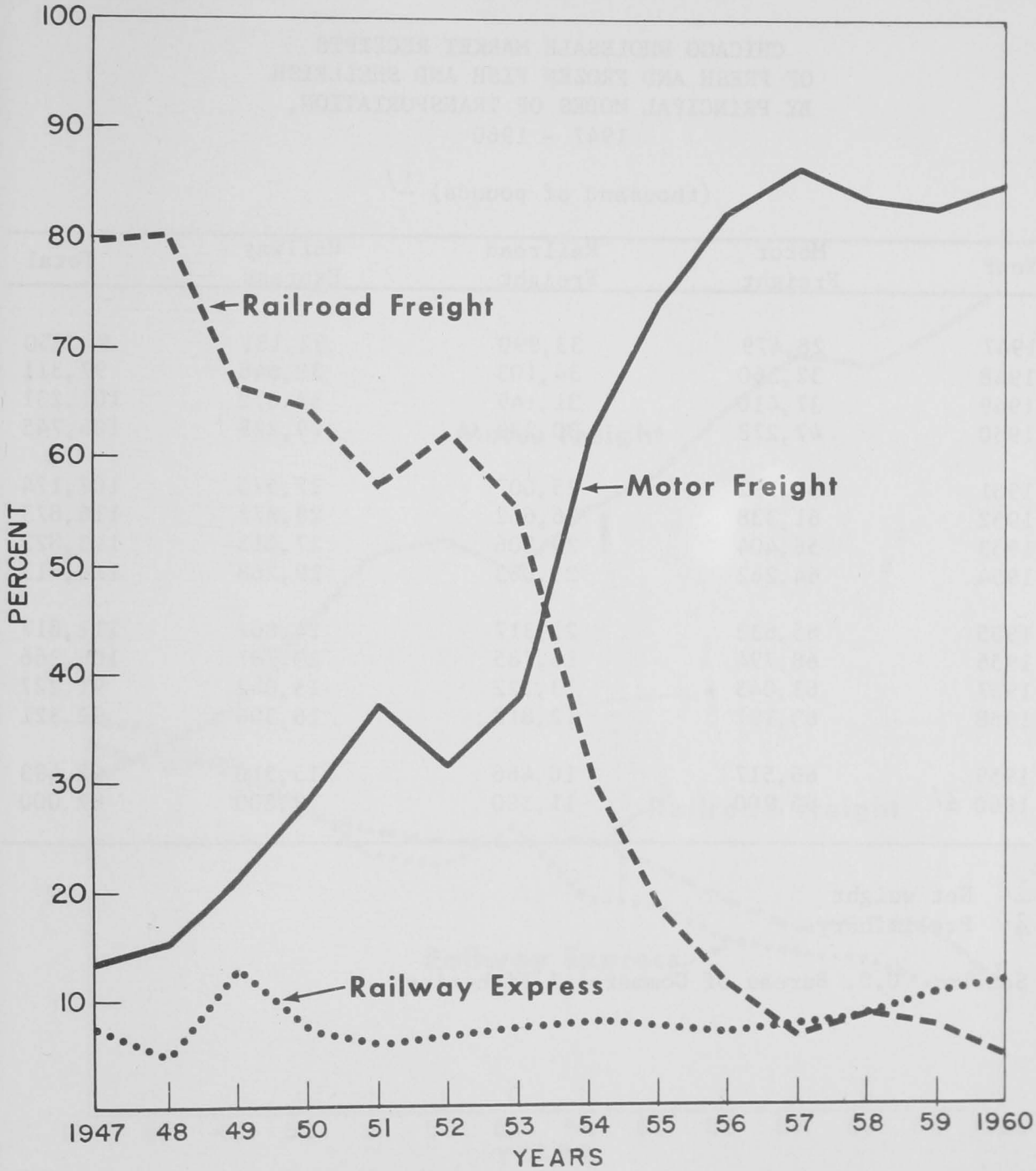
(number of boxes) 1/

Year	Motor Freight	Railroad Freight	Railway Express	Total
1947	47,643	26,170	288,492	362,305
1948	56,496	16,780	296,788	370,064
1949	70,685	41,732	218,791	331,208
1950	91,747	23,420	207,715	322,882
1951	113,113	17,453	174,168	304,734
1952	105,021	22,236	207,810	335,067
1953	125,841	24,114	185,664	335,619
1954	204,633	25,049	101,958	331,640
1955	222,800	22,420	54,700	299,920
1956	240,200	19,300	32,500	292,000
1957	243,400	21,100	17,200	281,700
1958	200,300	20,300	20,100	240,700
1959 2/	214,500	27,000	18,700	260,200
1960 3/	226,800	30,400	11,000	268,200

1/ Weight varies, but average is estimated at 50 pounds a box
2/ Revised
3/ Preliminary

Source: U.S. Bureau of Commercial Fisheries

NEW YORK CITY
PERCENT OF FRESH-WATER MARKET RECEIPTS OF FRESH AND FROZEN FISHERY PRODUCTS CARRIED BY PRINCIPAL MODES OF TRANSPORT 1947-1960



Source: U. S. Bureau of Commercial Fisheries