

Feed Manufacturers; Soybean Processors File ICC Petition

CHICAGO, ILLINOIS, JANUARY 14, 1970 — The American Feed Manufacturers (AFMA) and the National Soybean Processors (NSPA) Associations have petitioned the Interstate Commerce Commission for a "Declaratory Order" concerning the current controversy between the railroads and the two industries over claim settlements.

Hubert Bass, Chairman of the AFMA Executive Traffic Committee and of MFC Services, Jackson, Miss., labeled the present claim policies of some of the carriers "intolerable". A. T. Walters, Chairman of the Traffic and Transportation Committee, NSPA said, "the policies of cer-

tain railroads are costing the feeding-soybean industries several million dollars each year."

The petition asks the ICC to resolve whether or not current carriers' publications and practices of handling claims on bulk grain and grain products are consistent and in accordance with the rules endorsed by the Commission in 56 ICC 347. (In 56 ICC 347 rules were developed and agreed upon by both parties more than 50 years ago and has served as a basis for settling claims for loss and damage.)

The petition points out the issue evolves from the condition of carriers' equipment. Under ICC rules, the car must be "grain tight, clean and otherwise fit." Many cars have open linings at the top; grain and bulk feed easily lodge behind the linings. A great number of claims

have been attributed to this defect. Although the shippers have the right to reject bad equipment, it is often impractical because replacement cars will be equally lacking and are often not available due to shortages.

The petition states that some railroads have developed one weighing rule for claim purposes and another for economic purposes. This practice clearly ignores ICC specifications on weighing practices which allows several different weighing procedures.

Some carriers, according to the petition, have adopted the policy of not paying claims for material lost around and through grain doors simply because doors have been installed by the shipper. Again, this is in contradiction of an ICC Note which specifies that, "... the carrier is responsible for loss resulting from defects in the material furnished by the carrier or from inadequacy of the carrier's specifications for use of same ..."

AFMA and NSPA take the position that most rates applying to whole grain apply to grain products and by products. When the rates do differ, it is a situation where rates on grain are depressed to meet competitive conditions. It has been carrier practice in the past, to recognize ICC rules for grain applicable to grain products and grain byproducts. Some carriers' recent policies are not, according to the AFMA and NSPA position, consistent with existing rules.

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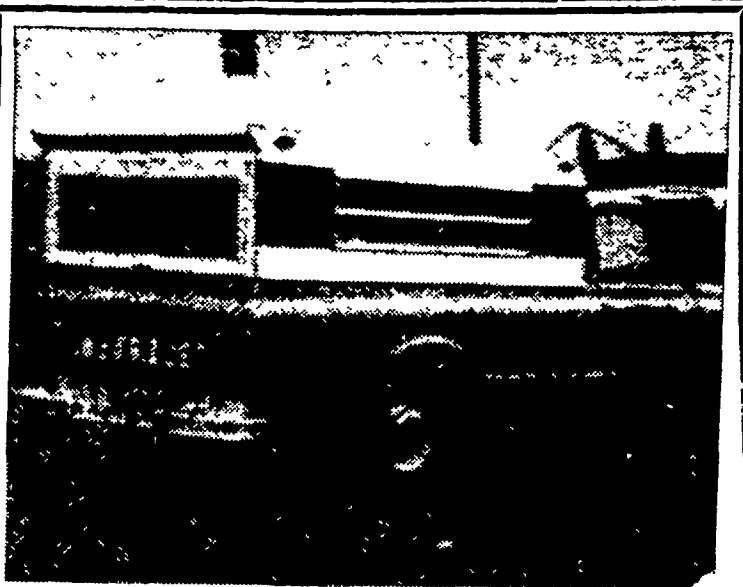
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