

ORIGINAL

Decision No. 55458

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
J. P. Haynes, Agent, for authority)
to establish rules governing the) Application No. 39286
settlement of claims for loss of)
grain and related products.)

OPINION AND ORDER

Pacific Southcoast Freight Bureau Exception Sheet 1-S, J. P. Haynes, Agent, contains provisions governing carriers' liability for loss of grain and grain products. Between points in California the amount of carriers' liability for loss on all grain, when loaded in bulk and transported in box cars, is determined by deducting from the loss in weight one-eighth of one percent of the total weight of the contents transported in a car. On interstate movements two bases apply. On all grain, flaxseed and soybeans, the one-eighth of one percent deduction is applicable. On bulk feed ingredients other than grain, flaxseed and soybeans, a deduction of one-fourth of one percent applies.¹ By this application J. P. Haynes, Agent, seeks authority to establish the interstate bases for transportation between points in California.

The application shows that a deduction allowance for use in adjusting claims for loss of bulk feedstuffs on a

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Feed ingredients involved are: Cake or Meal, including crushed or ground cake or screening, viz.: Cocoanut (or Copra) Oil, Corn Oil, Cottonseed Oil, Linseed (Flaxseed) Oil, Palm Oil, Palm Kernel Oil, Peanut Oil, Sunflower Seed Oil; Meal, soybean oil, ground or in flake form (not cereal food preparations and not fit for human consumption), including Meal, soybean oil, specially processed. Mill Feeds, viz.: Bran, Middlings, Shorts, Brewers Dried Grains, Distillers Dried Grains, Spent Grain Mash, dried, Gluten Feed, Alfalfa Meal, Corn Cob Meal, Dried Beet Pulp, Hominy Feed, Oat Feeds, Feed, animal, poultry or pigeon, NOIBN, in Uniform Freight Classification No. 3.

nationwide basis was, for several years, the subject of joint meetings held between the Special Committee on Grain Claims of the Association of American Railroads and the Executive Traffic Committee of the American Feed Manufacturers Association; that, in addition, special studies were conducted by weighing and inspection bureaus of the several rate territories to determine the extent of natural shrinkage and unavoidable loss in transporting bulk feedstuffs in box cars; and that the weight loss caused by shrinkage and other factors for which carriers could not be held accountable was found to range from 0.4 to 0.75 percent with an average of 0.5 percent.

Shipper and carrier groups, the application shows, determined that the minimum shrinkage and loss for which carriers would not be held liable was 0.25 percent. It was on this basis, applicant states, that a deduction in this amount was established to become effective January 1, 1957, ² virtually nationwide in scope.

Applicant states that the proposed change is for the purpose of establishing a uniform tolerance deduction for losses beyond the control of the carriers based on actual experience.

Interested parties have been furnished a copy of this application. No objection has been received to its being granted.

In the circumstances, it appears, and we hereby find that the proposed rules are justified and that this is a matter in which a public hearing is not necessary.

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On traffic from, to, between and within Western Trunk Line, Southwestern Freight Bureau, Transcontinental Freight Bureau, Southeastern, Central, Trunk Line and New England Territories as well as various intraterritorial and local tariffs.

Therefore, good cause appearing,

IT IS HEREBY ORDERED that J. P. Haynes, Agent, is hereby authorized to publish the proposed rules as set forth in this application in Pacific Southcoast Freight Bureau Exception sheet No. 1-S.

IT IS HEREBY FURTHER ORDERED that the authority herein granted shall expire unless exercised within sixty days after the effective date of this order.

The effective date of this order shall be twenty days after the date hereof.

Dated at Los Angeles, California, this 27th day of August, 1957.

President
Raymond L. Osterman

B. Hardy

E. Lynn Fox

Commissioners