

Decision No. 16522

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA
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In the Matter of the Application)
of Westland Distribution & Storage) APPLICATION NO. 12502
Warehouse Company for a Revision)
of its Tariff in Certain Particulars.)

LeRoy Edwards, for Applicant.

BY THE COMMISSION:

ORIGINAL

O P I N I O N

This is an application filed by the Westland Distribution & Storage Warehouse Company, a corporation, for authority to cancel under Section 63 of the Public Utilities Act the following items published in Warehouse Tariff No.2, C.R.C.No.2:

"A charge of \$1.25 per automobile will be made
for unloading"

and

"Automobiles 12 feet in length or less will be
unloaded for \$1.00 each".

It is proposed to publish in lieu of these items the
following:

"Unloading cars --- at regular rates of unload-
ing companies".

A public hearing was held at Los Angeles before Examiner Geary on February 25, 1926 and the matter having been duly submitted is ready for an opinion and order.

Applicant maintains that the service of loading or unloading automobiles is not an essential warehouse service and, therefore, not under the jurisdiction of the Railroad Commission.

The Public Utilities Act, Section 2(aa), reads as follows:

"The term 'warehouseman', when used in this act, includes every corporation or person, their lessees, trustees, receivers or trustees appointed by any court whatsoever, owning, controlling, operating or managing any building or structure in which property is regularly stored for compensation within this state, in connection with or to facilitate the transportation of property by a common carrier or vessel, or the loading or unloading of the same, other than a dock, wharf or structure, owned, operated, controlled or managed by a wharfinger."

Section 14(b) reads:

"Under such rules and regulations as the commission may prescribe, every public utility other than a common carrier shall file with the commission within such time and in such form as the commission may designate, and shall print and keep open to public inspection schedules showing all rates, tolls, rentals, charges and classifications collected or enforced, or to be collected or enforced, together with all rules, regulations, contracts, privileges and facilities which in any manner affect or relate to rates, tolls, rentals, classifications, or service. * * * * *".

By the provisions of Section 2(aa) a warehouseman becomes a public utility when property is regularly accepted and stored for compensation in connection with or to facilitate its transportation, and under the provisions of Section 14(b) schedules of rates must be printed and filed with the Commission, including those granting privileges and facilities in any manner related to the rates.

We conclude and find that the service of loading or unloading automobiles in connection with the storage of the vehicles in a public warehouse when the service is incidental to or to facilitate the transportation of the property, is a public utility obligation and that the charges for such service must be contained in tariffs on file with this Commission.

The testimony introduced in support of the volume of the rate was very limited and mainly to the effect that many of the public utility warehouses doing business in the city of Los Angeles do not publish specific charges for the loading or unloading of automobiles; also that parties performing the service and not under the jurisdiction of this Commission assess charges as low as 50 and 75 cents per machine. These charges, however, appear in most instances to have been assessed where the automobiles do not pass into public utility warehouses for storage.

Upon the findings made as to the jurisdiction, this application will be dismissed without prejudice. If applicant concludes the present charges do not meet the situation a new proceeding may be instituted.

O R D E R

A public hearing having been held, testimony submitted, and the Commission being fully advised,

IT IS HEREBY ORDERED that the above entitled application be and the same is hereby denied.

Dated at San Francisco, California, this 17th day of April, 1926.

K. B. Munday
C. L. Munday
Emory L. Munday
Leon Whitely