

ORIGINAL

Decision No. 58569

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of  
T. A. L. LORETZ, AGENT, for authority  
to publish rules and amendments to  
rules on behalf of automobile trans-  
porters parties to California Auto-  
mobile Transporters' Local Tariff  
No. 1, Cal. P.U.C. No. 4.

Application No. 40643

T. A. L. Loretz, for Auto Shippers, Inc.; Automobile  
Transport Company of California; Nicholas  
Kavoras and Nicholas Conteas, doing business  
as California Auto Transport; Carl August  
Wigholm, doing business as Civic Center Trans-  
port Service; Dealers Transit, Inc.; Hughes  
Truck-A-Way, Inc.; Insured Transporters, Inc.;  
and Kenosha Auto Transport Corporation, appli-  
cants.

Carl B. Blaubach, for the Commission's staff.

O P I N I O N

Applicants are highway common carriers engaged in the transportation of motor vehicles and mobile equipment in truckaway service. They seek authority to establish certain charges for the loading or unloading of shipments onto or from their equipment. They also seek authority to charge for equipment dispatched in response to shipper's order but not used.

Public hearing on the application was held before Examiner C. S. Abernathy at Los Angeles on January 21, 1959.

Under present provisions of applicants' tariffs the services of loading and unloading are included in the applicable rates



for transportation except in instances when the loading or unloading requires the use of auxiliary vehicles equipped with a lifting device. In these instances an additional charge of \$5.50 per auxiliary vehicle applies.

Applicants allege that under their present tariff provisions they do not receive sufficient compensation to cover the costs of their services when the shipments transported consist of wrecked or disabled automobiles which must be loaded or unloaded by winch. According to witnesses for applicants, up to several hours' time is required for such loading or unloading. Assertedly, the present tariff rates do not include adequate provision for the time so required and for a carrier's costs of acquiring and maintaining a winch. Applicants propose to assess a charge of \$5.50 per winch used in the loading or unloading operations.

With respect to loading or unloading services requiring assistance of other parties, applicants' witnesses stated that on occasion the vehicles which are tendered for transportation are so damaged or disabled that they may not be loaded or unloaded except by derrick or other lifting device. Where the carriers do not have suitable lifting devices of their own readily accessible, they employ other parties having such devices to perform the loading or unloading. In connection with their payments for loading and unloading services so performed, applicants propose to assess certain fees which are specified in their tariffs for the "service of making payment of any charges outstanding against a shipment in order to



"obtain its release for transportation."<sup>1</sup> They allege that such payments are, in fact, advances and should be made subject to the same fees as other advances.

With reference to equipment dispatched in response to shipper's order but not used, the record shows that from time to time applicants receive cancellation of service orders after they have dispatched equipment in response to said orders. It appears that frequently the driver of the equipment cannot be apprised of the cancellation until he arrives at the initial point specified in the service order. In order that they may receive some compensation to cover costs incurred in instances of cancellation after dispatch of equipment, applicants propose to assess a charge equivalent to the charge which would apply for the transportation of one motor vehicle for one half of the distance from carrier's terminal to the point where the equipment was ordered. No charge would be made when a cancellation is received before the equipment leaves the terminal.

It appears that prior to the hearing on this application copies of applicants' proposals were sent to the principal shippers that would be affected thereby. Said shippers were also informed of the hearing by advance notices thereof. No one appeared in opposition to authorization of the sought charges.

The showing in this matter indicates that the services of winch loading and unloading, and services provided in connection

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<sup>1</sup> Item No. 110 series, California Automobile Transporters' Local Tariff No. 1, Cal. P.U.C. No. 4, T. A. L. Loretz, Agent.



with late-received cancellations of shipping orders, are services for which specific charges properly may be established. The proposed charges for these services appear and are hereby found to be justified. To this extent applicants' proposed charges should be authorized.

Applicants' proposal to assess fees in connection with so-called advances made as payments to other parties for loading and unloading services performed by them should be denied. The showing in this respect is not persuasive that such payments are "advances" within the meaning of the above-referred-to Item No. 110 of applicants' tariff. On the contrary, it appears from the provisions of Items Nos. 30 and 150 of the tariff that applicants assume the responsibility and expense of loading and unloading<sup>2</sup> their equipment. Accordingly, it appears and it is concluded that

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<sup>2</sup> Item 30                      Application of Tariff - Rates

- (A) . . . . .  
 (B) Rates provided in . . . this tariff are for the transportation of commodities . . . . . from point of origin to point of destination, and include the following:
1. Loading into and unloading from carrier's equipment, except as provided in Item No. 150.
  2. . . . .
  3. . . . .

Item 150                      Special Loading and Unloading Charges

When a motor vehicle cannot be loaded onto or unloaded from carrier's equipment without the assistance of a separate vehicle or vehicles equipped with lifting device, furnished by the carrier or at carrier's expense, a charge of \$5.50 shall be assessed for such separate vehicle used for loading and a charge of \$5.50 shall be assessed for such vehicle used for unloading, in addition to rates otherwise provided.



under present tariff rules and regulations applicants may not justifiably treat payments to other parties for loading and unloading services as advances for which they should be compensated separately in addition to the charges which otherwise apply under the rates, rules and regulations in their tariff.

O R D E R

Based on the conclusions and findings set forth in the preceding opinion,

IT IS HEREBY ORDERED that:

1. The above-named applicants in this proceeding be, and they hereby are, authorized to amend their tariff rates, rules and regulations, as set forth in California Automobile Transporters' Local Tariff No. 1, Cal. P.U.C. No. 4, T. A. L. Loretz, Agent, to establish the rules and charges shown in Appendix "A" attached hereto and by this reference made a part hereof.

2. The authority herein granted shall expire unless exercised within ninety days after the effective date of this order.



3. In all other respects the application in this matter be and it hereby is denied.

This order shall become effective twenty days after the date hereof.

Dated at San Francisco, California,  
this 8th day of June, 1959.

E. L. Fox  
President  
W. E. McKeage  
Marked  
Theresa Jensen  
Commissioners

Commissioner Everett C. McKeage, being necessarily absent, did not participate in the disposition of this proceeding.



Appendix "A" to Decision No. 58569

SPECIAL LOADING AND UNLOADING CHARGES

When a motor vehicle cannot be loaded onto or unloaded from carrier's equipment without the assistance of a winch or of a separate vehicle or vehicles equipped with lifting device, furnished by the carrier or at the carrier's expense, a charge of \$5.50 shall be assessed for each winch or separate vehicle used for loading and a charge of \$5.50 shall be assessed for each winch or separate vehicle used for unloading, in addition to rates otherwise provided.

CANCELLED ORDERS FOR EQUIPMENT

When an order is placed for equipment and when said order is subsequently cancelled, the following will govern:

- (a) If cancellation of the order is received by the carrier before the equipment ordered leaves its terminal, no charge will be made.
- (b) If cancellation of the order is received by the carrier after the equipment ordered has left its terminal, a charge computed at one-half of the rate named in Item No. 200 for the transportation of one motor vehicle for the distance from carrier's terminal to the point where said equipment is first to report pursuant to the order will be assessed.