

A BOOK REVIEW: TRANSPORTATION, LOGISTICS AND THE LAW, By William J. Augello, Esq.
Published by Transportation Consumer Protection Council, Inc., Huntington, N.Y. 2001

Bill Augello has come out with the consummate book on transportation law and logistics that belongs on every transportation attorney's bookshelf. When clients catch you off-guard with questions about bills of lading, freight rates, contracts, intermediaries, carrier liability, and the like, you no longer have to put them off while you scramble in the law library or on the internet to find the answer. It is all there in his book, along with the statutes, regulations, and case citations you need to make yourself look good.

That Bill has accomplished the feat of reducing practically all of the transportation issues any transportation attorney may ever face into one eminently readable source does not surprise those who know him. Many of you may know Bill from the days when he was actively in practice as one of the foremost transportation lawyers in the country. That successful reign spanned over 50 years. Some of you may even know him from when he was a TLA member, before there was a TLA – during the days when the MCLA lawyers would traipse around the country with their motor carrier clients to attend public necessity and convenience hearings. Bill's ties to TLA are strong. In fact, Bill claims to have been the one who donated the ugly jacket way back when, which is still the abominable fixture of the annual "TLA Ugly Jacket Award."

If you didn't meet Bill through the TLA, perhaps you were one of the lucky ones who attended one of his TCPC transportation conferences. Hopefully you joined the rest of us fools afterwards, lifting our voices in song to Bill's spirited piano accompaniment.

Even if you have never met Bill personally, it is hard to avoid running into his name in print. He has authored over a dozen books on transportation law, including Freight Claims In Plain English and Transportation Insurance in Plain English, and regularly contributes editorials and articles for transportation and logistics publications, including TCPC's "Trans-Digest," "Logistics Management & Distribution Report," and "Parcel Shipping & Distribution." In addition he has testified numerous times before Congress on transportation issues, has had his name associated with at least 35 reported federal appellate decisions, and has argued before the U.S. Supreme Court, in Security Services v. Kmart Corp., 511 U.S. 431 (1994) – his side won. Even though he has supposedly retired from the active practice of law, now teaching transportation law at the University of Arizona Law School in Tucson, he still manages to get quoted in almost every edition of "Traffic World." The man is a marvel. He also knows whereof he speaks.

My acquaintance with Bill began back when I was a young lawyer with the Atchison, Topeka and Santa Fe Railroad in Los Angeles. As the lawyer assigned to defend railroad loss and damage claims, I was frequently on the receiving end of comments by disgruntled shippers or their attorneys who disagreed with the way I was handling their claims. They were forever taking ridiculous positions, bolstered by quotes from a goofball with a name they usually pronounced as "Awwgello." They'd claim he "wrote the book on transportation law" (Freight Claims in Plain English).

My being completely annoyed by the author and his biased views toward shippers while I was at Santa Fe quickly changed to admiration of his unbounded energy, enthusiasm and creativity when I went into private practice for the other side. I was a regular presenter at his TCPC conferences. Later I was privileged to work closely with him as one of his co-counsel during the latter part of the "undercharge wars," (even today I like to think of myself as "the undercharge queen"). I am proud to be able to call him a friend.

That I owe so much to Bill as my mentor does not cloud my judgment of his recent book by any means. Take my word for it. Just as his Freight Claims In Plain English book can be considered *the book* on loss and damage claims (with a grain of salt, if your client is a carrier), this latest effort is *the book* on transportation and logistics. In his forward to Transportation, Logistics and the Law Bill states his goal "is to provide insight into the most important laws, rules, regulations, treaties and practices remaining in today's deregulated environment where shippers and carriers are left to manage their affairs with less

intervention from the federal government.” He also says one of the objectives is to explain domestic and international laws governing the movement of goods across state and national boundaries. He definitely meets those objectives.

The honest caring, dedication and passion that are Bill’s hallmarks have also made their way into his book. But he is careful not to go overboard in his perspectives, explaining: “This author’s comments and criticisms are intended to direct readers’ attention to these inequities in the interest of avoiding further conflicts and litigation, particularly in the currently deregulated environment.”

The first half of the one volume, 550 page treatise reads like the textbook it is, addressing complex concepts clearly and in plain language. The substantive material runs the gamut, giving the history of regulation and deregulation for all transportation modes, rail, motor, air and water. It explains the roles of intermediaries, and highlights disputed issues supported by watershed cases and up-to-date legal citations. Also, besides addressing issues confronting shippers, carriers and intermediaries in today’s transportation environment, the author offers practical solutions. What was most impressive for me was the well-organized, detailed and descriptive “Table of Contents.” A quick glance at the Table of Contents allows the reader to quickly locate materials on pertinent issues.

The second half of Transportation, Logistics and the Law consists of a collection of all of the statutes, conventions and regulations that a transportation practitioner would ever need. In addition, Bill has inserted a present-day exemplar of a railroad tariff, NMFC’s uniform straight bill of lading along with his “Shipper’s Domestic Truck Bill of Lading,” a common carrier rate agreement, a checklist of insurance coverage typically found in “All Risk” policies, a summary of current carrier liability levels, and sundry charts and information about the workings of the U.S. government.

Bill told me a funny story about Transportation, Logistics and the Law. It seems shortly after the book came out in print, a woman called him about it, and asked how much it cost. After he told her it cost \$135 there was a long pause. Finally, she said: “I think I’ll wait for the paperback edition!”

Don’t you make the same mistake. Order the book now. It’s worth it! [Information on ordering Transportation, Logistics and the Law” may be obtained at www.transportlawtexts.com]

Mary Kay Reynolds