

Decision No. 2489A

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 INDEPENDENT STAGE CO., a corporation,) Application No. 17621
 for a Motor Carrier Transportation)
 Agent's License.)

Frank B. Austin and Bacigalupi, Elkus & Salinger,
 for the Applicant, Independent Stage Co.

H. W. Hobbs, for the Southern Pacific Company,
 Northwestern Pacific Railroad Company,
 Petaluma & Santa Rosa Railroad Company,
 Central California Traction Company, and
 Peninsula Railroad Company, interested parties.

H. C. Lucas and L. D. Jones, for the Pacific
 Greyhound Lines, Interested party.

R. E. Mc Cormick, for the Yosemite Park and Curry
 Company, Interested party.

Wm. F. Brooks, for The Atchison, Topeka & Santa
 Fe Railway Company, Interested party.

M. Davis, for Union Pacific Stage Co., Interstate
 Transit Lines, and Union Pacific System,
 Interested parties.

HARRIS, Commissioner -

ORIGINAL

OPINION

This is an application by Independent Stage Co., a corpor -
 ation, for a motor carrier transportation agent's license, and
 is the first application to be filed under the provisions of

Chapter 638, Statutes of 1931. Applicant proposes to establish
 a principal place of business at 54 Fourth Street, in the City
 and County of San Francisco, and branch offices at 833 So. Grand
 Street, City of Los Angeles; 913 Fifth Street, City of Sacramento;
 757 Howard Street, City and County of San Francisco, and Hotel
 San Pablo, San Pablo Avenue and 20th Street, City of Oakland.

A bond in the sum of \$10,000. as required by the terms of a resolution adopted by the Commission on Monday, August 10, 1931, was filed with the application, said bond being in form and language satisfactory to the Railroad Commission.

A public hearing was held at San Francisco, evidence heard and an order of submission made. No one appeared in opposition to the granting of the application, all appearances except that of applicant being made as interested parties.

M. C. Yahne , president of the corporation, called as a witness, testified that his company, acting as a transportation agent, proposed to sell transportation only between points served by applicant corporation, namely, between points in California and points in Oregon, an interstate service, and a service for which no certificate of public convenience and necessity is required. A license to sell, provide or arrange for such transportation is necessary under the provisions of Chapter 638, Statutes of 1931, which requires, among other things, that an agent's license be obtained when the transportation proposed to be sold involves transportation "to the border line of the State of California" when one of the points between which transportation is sold "is without the state."

It appears that applicant is a fit and proper applicant to receive a license and I recommend that this application be granted save as to the proposed branch office at Sacramento. As to that office the testimony of witness Yahne indicated that the company's agent in that city is River Auto Stages, a certificated carrier, maintaining a depot for the sale of its own transportation, and selling transportation on a commission basis for applicant herein. The applicant will not therefore be maintaining or conducting a branch office at Sacramento. River Auto Stages, if such an arrangement is to be continued, should obtain a transportation

agent's license.

Applicant should note that Section 6 of Chapter 638 provides that "when a license is issued to a firm or corporation, the officers thereof, except the president of the corporation, shall each be required to obtain a separate license before personally doing or committing any act as a motor carrier transportation agent."

It is contemplated that procedure and regulations governing transportation agents will be clarified by the promulgation of a general order by the Commission in the near future. Needless to say, the regulations established by such general order will be applicable to the present applicant.

I recommend the following form of order:

O R D E R

IT IS HEREBY ORDERED that the Secretary of the Railroad Commission of the State of California issue to Independent Stage Co., a corporation, a license to engage in the business of Motor Carrier Transportation Agent, as such is defined by Chapter 638, Statutes of 1931, at each of the following offices:

833 So. Grand Street, Los Angeles, California,

757 Howard Street, San Francisco, California.

Hotel San Pablo, San Pablo Avenue and 20th Street,
Oakland, California.

54 Fourth Street, San Francisco, California,

the last named location to be the main office of said licensee.

The above licenses are granted under the following conditions:

1. That all offices shall be in charge of an officer of the corporation or a salaried employee.
2. That said licensee shall accept said licenses within ten (10) days, said acceptance to contain a declaration that the licenses are accepted with the understanding that they do not constitute an automotive passenger stage line operating right within the purview of the Public Utilities Act, and further, that no transportation shall be sold, arranged for or provided except over the interstate service performed by applicant between California and Oregon points as described in the application herein.

The above Opinion and Order is hereby approved and adopted as the Opinion and Order of the Railroad Commission of the State of California.

Dated at San Francisco, California, this 5th day of October, 1931.

Albany
Leon Whitten

W. B. Harris

Fred G. Stewart
COMMISSIONERS.