

Decision No. 25605

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

PACIFIC GREYHOUND LINES, INC.,  
a corporation,

Complainant,

vs.

CLYDE STEELE, LINCOLN STAGES SYSTEM,  
and First to Twelfth Does,

Defendants.

Case No. 3354

ORIGINAL

In the Matter of the Application of  
CLYDE STEELE for Lincoln Stages  
System (an association of individ -  
uals as follows) Art Smith,  
D. R. Lorette, Fred Newcombe,  
W. C. Ensworth, L. T. Garrett,  
J. A. Hooper, Clarence Chambers,  
Clyde Steele, J. B. Brockleback,  
E. Cobb, H. M. Callanan, for a  
Motor Carrier Transportation Agent's  
license.

Application  
No. 18373

Orla St. Clair for Complainant in Case No. 3354;  
for Protestant in Application No. 18373.

George F. Wasson, for Defendants in Case No. 3354;  
for Applicants in Application No. 18373.

A. S. Groccox, for Board of Public Utilities and  
Transportation of the City of Los Angeles,  
interested party in both matters.

BY THE COMMISSION -

O P I N I O N

Complainant alleges (a) that Clyde Steele, Arthur  
H. Smith, David R. Lorette, Fred Newcombe, W. C. Ensworth,  
L. T. Garrett, J. A. Hooper, Clarence Chambers, J. B.  
Brockleback, E. Cobb and H. M. Callahan, operating as  
Lincoln Stages System, are violating the Public Utilities  
Act (Section 50 $\frac{1}{2}$ ) by transporting passengers between  
Los Angeles and Blythe and San Francisco without first  
having procured from this Commission a certificate of

public convenience and necessity therefor, and (b) that Clyde Steele has been conducting the business of a Motor Carrier Transportation Agent without having procured from this Commission the license therefor required by Chapter 638, Acts of 1931.

In Application No. 18373 Clyde Steele, for Lincoln Stages System (an association of individuals), seeks a Motor Carrier Transportation Agent's license for the sale of tickets of individuals, each of whom is operating a vehicle in interstate service.

The matters were consolidated for hearing before Examiner Kennedy at Los Angeles and have been duly submitted for decision.

Complainant alleges that defendant Steele on behalf of the individuals composed of the "system" sold tickets on September 9, 1932, to one George L. Hixson, in the presence of one Robert Herron, for transportation between Los Angeles and Blythe, California. Hixson testified, and his testimony was corroborated by Herron, that he asked for transportation to Blythe at the office of the defendant, 213 East Seventh Street, Los Angeles; that a ticket was provided him and he boarded a stage at the main office of Steele and was thereupon transported to Blythe, California. Both witnesses admitted, however, that the ticket sold to Hixson provided for a round trip between Los Angeles and Ehrenburg, Arizona, the latter a point just across the Colorado River from the City of Blythe. Defendant admitted selling this transportation and transporting the passengers but denied that there had been any arrangement made to transport Hixson to Blythe.

Complainant attempted to show that Steele had provided transportation for Miss Beatrice Settles between Los Angeles and San Francisco. This witness testified that Steele had given her an address to inquire about such transportation and that she had consulted one Brown with whom she arranged for transportation.

She boarded the bus in Los Angeles and rode as far as a gas station at Allesandro and Fargo Streets, Los Angeles, where she made an excuse and left the vehicle. Defendant Steele testified that the witness Settles had been recognized as a "spotter" when she appeared at his office and that she had been referred to Brown in the hope that he would be prosecuted for operating as a common carrier without a certificate between Los Angeles and San Francisco.

The facts as produced in the record do not sustain the allegations of the complaint insofar as a violation of Section 50 $\frac{1}{2}$  is concerned.

The only transportation directly sold was admittedly to and from an interstate point. However, defendant Steele, in selling this transportation, did so without first having obtained a license therefor and to this extent violated the provisions of Chapter 638, Acts of 1931. At the time this transportation was sold applicant had an application on file with the Commission, requesting a license for the sale of such transportation, and claims that he understood that as long as the application was on file transportation could be sold. There is nothing in the record to indicate that defendant wilfully violated the provisions of Chapter 638.

Upon this record, we are of the opinion and so find that the complaint should be dismissed, and the application, insofar as it relates to Clyde Steele as an individual, should be granted. There is nothing in the record which would justify granting a license to the Lincoln Stages System as this is purely a trade name under which five operators maintain schedules between Los Angeles and Salt Lake City, Utah, and between Los Angeles and Phoenix, Arizona. Each individual is the owner of his own schedule and they are associated only for the purpose of maintaining a single office and ticket selling agency. No co-partnership or other agreement of association exists.

Applicant Steele filed with his application a bond in the sum of \$10,000., as required by the Commission, but naming the Lincoln Stages System as the principal. Applicant should file a bond in a form satisfactory to the Commission, in which he is named as the principal.

O R D E R

The above entitled proceedings having been duly heard and submitted for decision,

IT IS HEREBY ORDERED that Case No. 3354 be and the same hereby is dismissed.

IT IS HEREBY FURTHER ORDERED that the Secretary of the Commission issue to Clyde Steele, doing business as agent for the individuals composing the Lincoln Stages System, to wit: Arthur H. Smith, A. S. Hadaway, David R. Larette, Fred Newcomb, W. C. Kinsworth, L. T. Garrett, J. A. Hooper, Clarence Chambers, J. B. Brockleback and E. Cobb, operating between Los Angeles and Salt Lake City, Utah, and Los Angeles and Phoenix, Arizona, via Blythe, a license to engage in the business of "Motor Carrier Transportation Agent" as such is defined by Statutes of 1931, Chapter 638, page 1362, at his main office No. 213 East Seventh Street, Los Angeles, Los Angeles County, California; provided that said Clyde Steele shall first file a bond in the sum of ten thousand dollars (\$10,000.00), the form and substance of which bond shall be as set forth in Decision No. 24504, on Application No. 17796.

IT IS HEREBY FURTHER ORDERED that in all other respects said application or supplements thereto be and the same hereby are denied.

Dated at San Francisco, California, this 4th day of February, 1933.

[Signature]  
Leon [Signature]  
[Signature]  
[Signature]  
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COMMISSIONERS.