

Decision No. 27364

CONFIDENTIAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of JOHN HAROLD HARRINGTON for a) Application No.19549.
Motor Carrier Transportation)
Agent's License.)

Malcolm Davis, for the applicant;
Orla St.Clair, for Passenger Carriers Association,
Interested Party;
H.K.Lockwood, for The A.T.& S.F.Ry.Co., Protestant.

BY THE COMMISSION:

O P I N I O N

John Harold Harrington has applied, under the provisions of Chapter 390, Statutes of 1933, for a Motor Carrier Transportation Agent's License.

A public hearing on this application was conducted by Examiner Gorman, at Los Angeles, on August 10, 1934, at which time the matter was duly submitted.

Applicant proposes to establish his office at 49 American Avenue, Long Beach, and to sell or negotiate for the sale of tickets for the following motor stage lines:

Union Pacific Stages of California;
Pacific Greyhound Lines;
Inland Stages.

Applicant held a Motor Carrier Transportation Agent's License for the year 1933, but did not at the end of said year apply for a renewal of said license.

The record shows that, pursuant to a complaint, an inspector of this Commission, on or about July 13, 1934, checked the office at 49 American Avenue, Long Beach, and ascertained that applicant was selling or negotiating for the sale of tickets over motor carrier lines without having first secured a license

so to do.

Applicant alleges that on June 21, 1934, he was employed by the Union Pacific Stages of California, in the capacity of a transportation agent, at which time he filled out an application for a Motor Carrier Transportation Agent's License for filing with this Commission, and that on June 22, 1934, he was assigned to the office at 49 American Avenue, Long Beach, where he sold tickets for Union Pacific Stages of California. The application shows that it was subscribed and sworn to by applicant before a Notary Public on June 27, 1934; however applicant alleges that he was not present when the verification was made. The application was received by the Commission on July 3, 1934.

Applicant averred that he assumed that the filing of an application with this Commission for a Motor Carrier Transportation Agent's License was sufficient to authorize him to sell tickets over motor carrier lines, and that it was not necessary to await the issuance of such authorization.

It is difficult to understand applicant's reasoning, particularly in view of the fact that he had previously been licensed and was, or at least should have been, fully aware of the conditions under which such licenses are granted. It appears to us that normal intelligence would have dictated to applicant that the procedure of the Commission in the issuance of such licenses was not merely a perfunctory duty and that the actual issuance of a license was necessary before applicant would be authorized to sell or negotiate for the sale of transportation over motor carrier lines.

It also appears that the representatives of the

Union Pacific Stages of California were remiss in their duties in engaging and permitting an employee to sell transportation before such employee was legally authorized so to do. It may be well at this time for the Commission to announce that it not only expects but insists that the carriers themselves should determine the status of Transportation Agents before they are afforded permission to sell or negotiate for the sale of transportation over their respective motor carrier lines.

It clearly appears from the record herein that applicant has heretofore violated the law by selling and negotiating for the sale of motor transportation prior to the issuance of authority for him so to do, and that the application should be denied in view of the facts previously recited herein.

ORDER

A public hearing having been held upon the above entitled application, the matter having been duly submitted, and the Commission being now fully advised,

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

Dated at San Francisco, California, this 17th day of September, 1934.

Leon Oswald

M. J. C.

M. B. Lewis

Commissioners.