

Decision No. 27496.

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
JOHN HAROLD HARRINGTON for a Motor
Carrier Transportation Agent's Li-
cense.

Application No. 19549.

Malcolm Davis, for Applicant.

William F. Brooks, for The Atchison, Topeka
and Santa Fe Railway Company, Protestant.

BY THE COMMISSION:

OPINION AND ORDER ON REHEARING

By Decision No. 27364, dated September 17th, 1934, on the above entitled application, John Harold Harrington was denied a motor carrier transportation agent's license. Applicant filed a petition for rehearing, which rehearing was granted on the general allegation that extenuating circumstances, which were not introduced in evidence at the original hearing in this matter, would justify a conclusion different than that contained in the Commission's decision.

Applicant alleged that, while he was employed by the Motor Transit Company in 1933, he secured a motor carrier transportation agent's license; that at that time he was advised by a representative of Pacific Greyhound Lines of the change in the law which required the procuring of a motor carrier transportation agent's license; and that the application was prepared for him and filed by Pacific Greyhound Lines and, at the same time, he continued his duties as a ticket agent. Applicant further alleged

that on June 21st, 1934, he prepared and signed an application in the office of Union Pacific Stages of California, was advised by representatives of said company that the details of securing a license would be taken care of by them and was ordered to report for work at its Long Beach office on June 22nd. On or about July 13th, applicant was notified by an inspector of this Commission that he was selling or negotiating the sale of tickets over motor carrier lines without first having secured a license.

Representatives of Union Pacific Stages of California testified that Mr. Harrington had prepared the application on June 21st and that he was advised by them that they would file same with the Commission immediately. It appears that the application was negligently handled by said representatives and the same was not filed with the Commission until July 3rd. Said representatives also averred that, in their opinion, Harrington was incorrectly advised by them and they accepted the full responsibility for the negligence in filing his application.

Mr. F. E. Howell, President of the Motor Carriers Association, testified as to the character, integrity and ability of applicant. He stated that applicant was of very high character and exceedingly well qualified for the position of motor carrier transportation agent. He apparently was of the opinion that applicant was ill advised by representatives of the Union Pacific Stages of California and that, inasmuch as applicant had been the so-called employee type of agent and was permitted to continue his work as transportation agent while his original application was on file, there was some justification for applicant to accept the position with the Union Pacific Stages of California, inasmuch as he did not realize that conditions were somewhat different at the time of making the instant application compared with the conditions at the time he made the original application.

The Atchison, Topeka and Santa Fe Railway Company opposed the granting of a license to applicant, without stating any particular grounds for its protest.

After carefully considering all of the evidence in this matter, we are of the opinion that applicant was ill advised by representatives of Union Pacific Stages of California and there appears to be no premeditated desire on the part of applicant to evade the law and, in view of the extenuating circumstances, it would appear unreasonable to deprive applicant of a means of securing a livelihood for himself and family through employment as a motor carrier transportation agent.

O R D E R

A rehearing having been held on the above entitled proceeding, the matter having been duly submitted and the Commission being fully advised;

IT IS HEREBY ORDERED that the Commission's Decision No. 27364, dated September 17th, 1934, on Application No. 19549, be and the same is hereby revoked and the Secretary of this Commission is hereby ordered and directed to issue to applicant a license to engage in the business of motor carrier transportation agent, as such is defined by the Statutes of 1933, Chapter 390, at the following location - 49 American Avenue, Long Beach - subject to the following provisions:

- (1) That applicant shall first file a bond in the sum required by law and in the form prescribed by the Railroad Commission of the State of California; and
- (2) A copy of this Order, and supplements thereto, shall be kept open at all times for public inspection; and

- (3) The authority herein conveyed is for the sale of transportation over the lines of the Motor Carriers named in Provision (4) below;
- (4) Union Pacific Stages of California;
Pacific Greyhound Lines;
Inland Stages.

Dated at San Francisco, California, this 5th day
of November, 1934.

Leon A. Whitwell

M. J. Carr

W. B. Lewis

D. H. [unclear]

Frank R. [unclear]

Commissioners.