

Decision No. 27834

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
E. P. DOYLE for a Motor Carrier
Transportation Agent's license. } Application No. 19828

F. A. Watkins, for applicant.

Orla St. Clair, for Passenger Carriers' Association,
Protestant.

W. F. Brooks, for The Atchison, Topeka & Santa Fe
Railway Company, Protestant.

BY THE COMMISSION -

O P I N I O N

Applicant's fitness to receive the Motor Carrier Transportation Agent's license applied for, duly and with proper bond tendered, is disputed by Passenger Carriers Association, which filed formal protest. Protestant further alleged that Dollar Stages, Inc., an Oregon corporation, for which applicant sought to sell tickets as agent, had been operating in violation of law in that it operated in California before receiving a certificate of registration of vehicles, as required by law, and General Order No.90 of this Commission.

Public hearings were conducted herein by Examiner Williams at San Francisco.

The record shows that applicant, E. P. Doyle, filed his application on February 4, 1935. Protest by Passenger Carriers' Association was filed February 8, 1935. Applicant sought to sell tickets at 1087 Market Street, San Francisco, as agent for Dollar Stages, operating interstate between San Francisco and Portland. This carrier made application for a certificate of registration January 17, 1935. The certificate was granted February 11, 1935, after the carrier's equipment, to be used in California, had been inspected and passed by the Safety Division of this Commission. Code registration was made about January 15,

1935, as an extension of the carrier's operation between Portland and Eugene, Oregon. Until February 20, 1935, applicant transported passengers only from Oregon to California, or passengers purchasing round trip tickets in Oregon. According to W. F. Hollingsworth, President of Dollar Stages Corporation, such limitation was because the agency application by applicant Doyle was pending before the California Commission under protest.

On February 25, 1935, Dollar Stages, under advice of its counsel, advertised transportation between San Francisco and Portland, with tickets purchasable at 1087 Market Street, San Francisco. To facilitate such sales Clyde E. Brown, an authorized agent, applied to this Commission to transfer his agency to the new address. When the vehicle left with a number of passengers, a special policeman, employed by protestant, caused the arrest of J. Wallin, the driver, for violating Chapter 390, Statutes of 1933. On February 26, 1935, another vehicle containing passengers was stopped and applicant's driver arrested. Neither case has been determined in the criminal courts.

The record does not show that applicant is not a fit and proper person to sell tickets. He did not sell any tickets and the fact is that his utterances concerning tickets show that he warned all that authority to sell had not been granted him. Dollar Stages, Inc. entered California January 15, 1935, and immediately filed application (January 17th), for certificate of registration for two vehicles. This registration was approved, after inspection (January 23, 1935), and certificate was granted February 11, 1935. After about ten days the carrier sought to establish Brown as its agent, which met prompt complaint (Case No. 3980), by protestant association herein and request for cancellation.

The carrier seems to have taken every step it was legally advised was necessary to establish its right of interstate carriage of passengers, even though some of the steps were ir-

regular. There seems to have been good faith on the part of both Doyle and the carrier in the effort to comply with legal requirements, which apparently they did not understand.

Under the record, applicant is entitled to a Motor Carrier Transportation Agent's license for No. 1087 Market Street, San Francisco, (Federal Hotel), and such license is hereby ordered granted. The protest will be dismissed.

O R D E R

Public hearings having been held upon the above entitled application, the matter having been duly submitted, and the Commission having been fully advised in the premises,

IT IS HEREBY FOUND AS A FACT that Howard Patrick Doyle is a fit and proper person to receive a Motor Carrier Transportation Agent's license; and that the motor carriers for whom applicant proposes to sell transportation are now complying with all laws and general orders governing their operations; and

IT IS HEREBY ORDERED that the Secretary of this Commission be and he is hereby directed to issue to applicant a license to engage in the business of Motor Carrier Transportation Agent, as such is defined by Statutes of 1933, Chapter 390, at the following location:

1087 - Market Street (Federal Hotel), San Francisco, California, subject to the following conditions:

1. That applicant shall file a bond in the sum required and in the form prescribed by the Railroad Commission of the State of California.
2. A copy of this Order, and supplements thereto, shall be kept open at all times for public inspection.
3. The authority herein conveyed is for the sale of transportation over the lines of DOLLARS STAGES, INC.

Dated at San Francisco, California, this ¹⁵19 day of March, 1935.

Leon Arthur
M. A. Lane
M. B. Lansing
W. H. ...
W. H. ...
3. COMMISSIONERS.