

Decision No. 22949

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
FRANK A. McDONALD for a License as) Application No. 21269
a Motor Transportation Broker)

DOUGLAS BROOKMAN, for Applicant

FRED N. BIGELOW, for Pacific Southwest Railroad
Association, Frasher Truck Line and Valley
Express Company, Interested Parties.

BY THE COMMISSION:

O P I N I O N

This is an application by Frank A. McDonald for a license permitting him to conduct the business of a Motor Transportation Broker as such is defined in Chapter 705, Statutes of 1935.

Pacific Southwest Railroad Association, Frasher Truck Line and Valley Express Company appeared, through counsel, as interested parties.

Examiner Elder conducted a public hearing on the application on June 29, 1937, at San Francisco, where the matter was submitted. It is now ready for decision.

From the testimony of applicant McDonald and that of Willard C. Parsons, it was developed that McDonald proposes to operate under the fictitious name of Parsons Freight Lines, taking over the business of Dorothy E. Parsons, currently licensed motor transportation broker, with whom Willard C. Parsons is associated, now being conducted at 1690 South First Street, San Jose, under the fictitious name above referred to.

In general the testimony of these two witnesses was the same as to description of operating methods. Applicant, however, has altered the form of documents used by the Parsons to more clearly indicate the true relationships between the parties and to preclude the construction that applicant will be assuming a carrier's status and responsibility. Applicant gave his assurance that all receipts for merchandise and transportation contracts would be made in the carriers' names, not applicant's. Applicant will not own, lease or operate any equipment and he proposes to represent only properly permitted carriers.

It appears that the chief movement of freight is the transportation of dried and fresh fruits, other agricultural commodities, and canned goods. Practically all of this business originates in Santa Clara County and very little in either San Francisco or Oakland. The shipments are destined to Los Angeles and various other points in California, including San Joaquin Valley and Coast route points, with scattered shipments as far north as Sacramento and Marysville. Return loads are obtained for the carriers only occasionally where a shipper has a load coming back. This type of traffic is highly seasonal in nature and is subject to peak demands for a large number of trucks quickly, which it is applicant's purpose to supply. Applicant stated that his proposed place of business is a general gathering place for truckers and that he anticipated no difficulty in obtaining a sufficient number of truckmen, from whom he has received letters of authority, to adequately handle the business.

In accordance with the prevailing custom among brokers, applicant will collect moneys due the various carriers and will remit to them, less the usual brokerage commission and a charge for cargo insurance which applicant will procure on behalf of the carriers.

It appears from the evidence that the business applicant proposes to conduct is properly that of a Motor Transportation Broker and that he has complied with all the requirements of the law, having paid the license fee, filed the \$1,000 surety bond required and filed letters of authority from certain carriers hereinafter named. As above stated, any bills of lading used by the shippers or carriers, in addition to the documents supplied by applicant, will be issued by the carriers as principals, not as agents of applicant.

The facts developed in the instant proceeding disclose nothing unlawful about applicant's plan of operation and we believe that he has shown himself to be a fit and proper person to engage in the business of a Motor Transportation Broker as contemplated by Chapter 705, Statutes of 1935. The application therefore will be granted.

O R D E R

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

IT IS HEREBY ORDERED that the application of Frank A. McDonald for a license as a Motor Transportation Broker, as defined in Chapter 705, Statutes of 1935, be and the same is hereby granted, and that such a license be issued to him, subject to the following conditions:

1. That said licensee shall keep the license certificate as Motor Transportation Broker open at all times to public inspection.
2. That said licensee shall do business as a Motor Transportation Broker only at the location set forth in his application for a license, and only for the motor carriers hereinafter named, or for whom said licensee may hereafter

from time to time be permitted to do business by any subsequent order or orders of the Commission.

IT IS HEREBY FURTHER ORDERED that the said license shall authorize said Frank A. McDonald to sell, offer for sale, negotiate for, furnish or provide and hold himself out to sell, furnish or provide transportation of such property over the public highways of this State to be furnished only by the carriers whose names, addresses and permit numbers follow, to-wit:

<u>Name</u>	<u>Address</u>	<u>Permit No.</u>
Aetna Freight Lines	422 So. Alameda Los Angeles	19-4004 19-4005
C. R. & J. D. Briscoe	42 Coolidge Street Watsonville	44-51
Walter Dunger	166 West 5th Street Watsonville	44-279
John Ferreira	1456 Clay Street Santa Clara	43-30 43-404
Willard Freitas	1877 Market Street Santa Clara	43-525 43-290
N. Jensen	124 Beech Street Turlock	50-423
L. J. Leppo	Box 350-A, Center Road San Jose	43-679
Marcus L. Neal	122 H Street Modesto	50-162
Leo Powers	875 So. 9th Street San Jose	43-450 43-332 43-333
Frank Saia	290 So. 3rd Street San Jose	43-682
George Shoultes	1761 E. San Antonio St. San Jose	43-681
Jud E. Simpson	557 Gladys Avenue Los Angeles	19-4707 19-5277
Skeels Trucking Service	P.O. Box 543, Monterey St. Morgan Hill	43-177 43-178

<u>Name</u>	<u>Address</u>	<u>Permit No.</u>
Bob Thompson	Nipomo, California	42-94 42-95
H. F. Williams	Star Rt. #1, Porterville,	54-362
A. D. Woolley	1575 McDaniel Avenue San Jose	43-472 43-473
Steven Young	330 A Street Porterville	54-407

IT IS HEREBY FURTHER ORDERED that the Secretary be and he is hereby authorized and directed to issue and deliver to said Frank A. McDonald a license certificate as such Motor Transportation Broker, in the form heretofore adopted by the Commission for such license certificate, and subject to the conditions hereinabove specified.

For all other purposes the effective date of this order shall be twenty (20) days from date hereof.

Dated at San Francisco, California, this 12th day of

July, 1937.

Walter Ware

Frank Skelton
Earl W. Babcock
Ray & Wiley
 COMMISSIONERS.