

Decision No. 30040

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Investigation, on the Commission's own motion, into the operations, rates, charges, classifications, rules, regulations, contracts, and practices, or any thereof, of SAM ANALORA, JOHN ANALORA, JOE ANALORA, JOHN DOE ANDERSON, A. D. BARRY, JOHN DOE BROWN, JANE DOE BROWN, ROBERT BARTELL, MRS. ROBERT BARTELL, JOHN DOE BRAMFORD, P. M. BREWER, JOHN DOE BACOME, JOHN DOE CARLSON, also known as Miko Carrari, and Mike Cucamonga, JACK CHAPMAN, ERNEST CHANEY, FRANK G. DALEY, SOMNER DODGE, JAMES DUVALL, EDWARD DUREL, MRS. EDWARD DUREL, JOHN DOE FREED, JOHN DOE GOOD, THERON GITTONS, EARL GEORGE GRIMM, JOHN DOE GOODELL, JANE DOE GRIFFIN, RAY HATLER, RUTH HENRY, WILLIAM HENRY, CLARA HILL, MARTIN KEITH, also known as Keith Martin, THOMAS EDWARD KELLY, RALPH J. KELLER, T. W. LEWIS, DAVID MALVERN, also known as David Molvin, FRANK MATE, ROY MILLS, JAMES MANASSE, ALICE MEANY, HENRY MOODY, FRANK MCKENDRY, H. G. MCATEU, FRANK McDONALD, JAMES MCGUIRE, JACK C. O'BRIEN, RUTH O'BRIEN, JACK RYAN, A. J. ROSE, also known as Hugh Rose, HARVEY SMITH, MILES STRAIGEN, THOMAS THOMPSON, DOUGLAS VAN KETER, E. B. VENNUM, H. J. WILKEN, E. A. WARNER, M. WILDER, ROY YEAGER, FIRST DOE, SECOND DOE, THIRD DOE, FOURTH DOE, FIFTH DOE, SIXTH DOE, SEVENTH DOE, EIGHTH DOE, NINTH DOE, TENTH DOE, ELEVENTH DOE, TWELFTH DOE, THIRTEENTH DOE, FOURTEENTH DOE, FIFTEENTH DOE, SIXTEENTH DOE, SEVENTEENTH DOE, EIGHTEENTH DOE, NINETEENTH DOE, TWENTIETH DOE, FIRST DOE COMPANY, a corporation, SECOND DOE COMPANY, a corporation, THIRD DOE COMPANY, a corporation, and FOURTH DOE COMPANY, a corporation, and each of them, respondents, operating as "passenger stage corporations," as defined in Section 24, Public Utilities Act, for the purpose of (a) determining whether said respondents are, or any of them is, engaged in conducting any service as such "passenger stage corporation," between any points in this State, and more particularly between Los Angeles and San Francisco, and intermediate points, without having first obtained a certificate of public convenience and necessity, or without any prior right therefor; and (b) determining whether said respondents, or any of them, should be ordered to cease and desist conducting services as such a "passenger stage corporation," in the State of California, and particularly between San Francisco, Los Angeles, and intermediate points, unless and until they, and each of them, shall have obtained a certificate of public convenience and necessity.

ORIGINAL

Case No. 4273

In the Matter of the Investigation, on the Commission's own motion, into the operations, rates, charges, classifications, rules, regulations, contracts, and practices, or any thereof, of ROBERT BARTELL, MRS. ROBERT BARTELL, P. M. BREWER, JOHN DOE CARLSON, EDWARD DUREL, JOHN DOE FREED, EARL GEORGE GRIMM, JOHN DOE GOODELL, JANE DOE GRIFFIN, RUTH HENRY, WILLIAM HENRY, HENRY MOODY, FRANK MCKENDRY, RUTH O'BRIEN and HARVEY SMITH, and each of them, respondents, operating as "passenger stage corporations," as defined in Section 24, Public Utilities Act, for the purpose of (a) determining whether said respondents are, or any of them is, engaged in conducting any service as such "passenger stage corporation," between any points in this State, and more particularly between Los Angeles and San Francisco, and intermediate points, without having first obtained a certificate of public convenience and necessity, or without any prior right therefor; and (b) determining whether said respondents, or any of them, should be ordered to cease and desist conducting services as such a "passenger stage corporation," in the State of California, and particularly between San Francisco, Los Angeles, and intermediate points, unless and until they, and each of them, shall have obtained a certificate of public convenience and necessity.

Case No. 4287

In the Matter of the Investigation, on the Commission's own motion, into the operations, rates, charges, classifications, rules, regulations, contracts, and practices, or any thereof, of RUTH HENRY and WILLIAM HENRY, and each of them, respondents, operating as "passenger stage corporations," as defined in Section 24, Public Utilities Act, for the purpose of (a) determining whether said respondents are, or either of them is, engaged in conducting any service as such "passenger stage corporation," between any points in this State, and more particularly between Los Angeles and San Francisco, and intermediate points, without having first obtained a certificate of public convenience and necessity, or without any prior right therefor; and (b) determining whether said respondents, or either of them, should be ordered to cease and desist conducting services as such a "passenger stage corporation," in the State of California, and particularly between San Francisco, Los Angeles, and intermediate points, unless and until they, and each of them, shall have obtained a certificate of public convenience and necessity.

Case No. 4295

ANDY ANDERSON, named in the Order of Investigation  
as John Doe Anderson, in propria persona,

A. D. BARRY, in propria persona,

JAMES BURRIS, named in the Order of Investigation  
and served as Third Doe, in propria persona,

ALICE BERRY, named in the Order of Investigation  
and served as Fifth Doe, in propria persona,

JACK CHAPMAN, in propria persona,

EUGENE DUVUAL, named in the Order of Investigation  
as James Duvall, in propria persona,

ROY L. HATLER, in propria persona,

JOHN F. KELLY, named in the Order of investigation  
and served as Nineteenth Doe, in propria persona,

THOMAS EDWARD KELLY, in propria persona,

H. J. McATEER, named in the Order of Investigation  
and served as E. G. McAteu, in propria persona,

AUSTIN PATTON MUZINGO, named in the Order of Investi-  
gation and served as Second Doe, in propria  
persona,

FRANK MATE, in propria persona,

JAMES McGUIRE, in propria persona,

FRANK B. McDONALD, in propria persona,

JACK C. O'BRIEN, in propria persona,

H. E. ROSE, named in the Order of Investigation and  
served as A. J. Rose, in propria persona,

MILES STRAIGHT, in propria persona,

ERNEST WEBER, named in the Order of Investigation and  
served as Eleventh Doe, in propria persona,

H. C. WARNER, in propria persona,

MAUD WILDER, in propria persona,

KEITH WELLS, in propria persona,

H. J. WILKEN, in propria persona,

ROY W. YEAGER, in propria persona,

WILLIAM HENRY, in propria persona,

E. K. SCHUBERT, named in the Order of Investigation and  
served as Twelfth Doe, in propria persona,

E. J. McCAULEY, named in the Order of Investigation and served as Ninth Doe, in propria persona,

Respondents.

RICHARD T. EDDY, District Director of the Bureau of Motor Carriers, Interstate Commerce Commission.

ROBERT BRENNAN and WILLIAM F. BROOKS, of the Atchison, Topeka and Santa Fe Railway Company, interested party.

EDWARD RENWICK and DON MILLER, for the Union Pacific Stages, interested party.

H. C. LUCAS and HARRY RICHARDS, by HOWARD DAY, for Pacific Greyhound Lines, interested party.

TOM MORGAN, for Pickwick Bus Company, interested party.

J. B. WARREN, RANDOLPH KARR, H. W. HOBBS and F. X. VIERRA, for Southern Pacific Company, interested party.

WILLIAM T. JOHNSTON, for Charles W. Dempster, a witness.

CHARLES W. DEMPSTER, for William T. Johnston, a witness.

WILLIAM T. JOHNSTON, for E. M. Schubert, Respondent.

K. C. ZWERIN, for Clara Hill and Frank G. Daley, Respondents.

L. M. PHILLIPS, for Joe Analora, Sam Analora, Clyde C. Brown, David Malvern, Iva McGlynn, Douglas Van Meter and E. B. Vennum, Respondents.

BY THE COMMISSION:

#### O P I N I O N

Each of the above proceedings is an investigation instituted by the Commission, on its own motion, to inquire into the operations, rates, charges, classifications, rules, regulations, contracts and practices of the respondents. More specifically, the purpose of each of the proceedings is to determine whether or not any of the respondents are engaged in business as passenger stage corporations, as that term is defined by Section 2-1/4 (b) of the Public Utilities Act of the State of California, and, as such, are

operating passenger stages between Los Angeles on the one hand and San Francisco on the other hand, without having first obtained certificates of public convenience and necessity from the Railroad Commission.

In Case No. 4273, each of the respondents was personally served with a certified copy of the Order Instituting Investigation and Order to Show Cause issued by the Commission in said proceeding, with the exception of Mrs. Robert Bartell, John Doe Bramford, John Doe Bacome, P. M. Brewer, John Doe Carlson, Edward Durel, Earl George Grimm, John Doe Goodell, John Doe Good, Jane Doe Griffin, John Doe Freed, Ruth Henry, William Henry, Keith Martin, Ralph J. Keller, Roy Mills, Henry W. Moudy, Frank McKendry, Ruth O'Brien and Harvey Smith.

Respondents Robert Bartell and Henry W. Moudy were each served with a certified copy of the Order Instituting Investigation and Order to Show Cause issued by the Commission in Case No. 4287. The other respondents named in said proceeding were not served.

Respondent William Henry was served with a certified copy of the Order Instituting Investigation and Order to Show cause issued by the Commission in Case No. 4295. The other respondents named in said proceeding were not served.

The following named respondents appeared personally at the hearings held by the Commission: Joe Analora, John Analora, Sam Analora, Andy Anderson, Clyde C. Brown, A. D. Barry, James Burris, Alice Berry, Jack Chapman, Frank G. Daley, Eugene Duvual, Clara Hill, Roy L. Hatler, John F. Kelly, Thomas Edward Kelly, E. J. McAteer, Austin Patton Muzingo, Frank Mate, James McGuire, Iva McGlynn, Frank B. McDonald, Jack C. O'Brien, H. E. Rose, Miles Straight, H. B. Vannum, Douglas Van Meter, Ernest Weber, H. A. Warner, Maud Wilder, Keith Wells, E. J. Wilken, Roy W. Yeager, William Henry, E. M. Schubert and E. J. McCauley.

Respondents Clara Hill, Frank G. Daley, Joe Analora, John Analora, Sam Analora, Clyde C. Brown, Mrs. Clyde C. Brown, David Malvern, Iva McGlynn, Douglas Van Meter and H. B. Vennum were represented by counsel.

Public hearings were held before Examiners W. H. Gorman and J. E. McCaffrey at Los Angeles on February 1, 2, 3, 4, 24, 25 and March 1, 1938, and at San Francisco on February 10, 11 and March 8, 1938, the proceedings were submitted on the later date and are now ready for decision.

The three proceedings were consolidated for hearing and there is but a single record. There will, therefore, be but a single opinion which will dispose of the three proceedings.

The facts adduced at the hearings are virtually undisputed. The witnesses who testified were hotel owners and managers renting travel bureaus to respondents; persons who, as passengers, had used the transportation service furnished by certain of the respondents; inspectors for the Railroad Commission; officials of the State Board of Equalization; and, certain of the respondents themselves.

Before discussing the evidence as it concerns the individual respondents it is desirable to describe, in a general way, the business in which they are either individually or collectively engaged.

Briefly, each respondent assists in some capacity in transporting passengers, who pay individual fares between San Francisco and Los Angeles, in sedan automobiles. Certain of the respondents own large sedans, which they operate continuously as common carriers of passengers between Los Angeles and San Francisco. In an average week each car makes two round trips between the terminal cities. The majority of the vehicles used are not maintained in a condition calculated to insure safe operation, and many witnesses described blow-outs, engine trouble and accidents which

have caused delay and damage. The owners do not carry any insurance protection for the benefit of either their passengers or the public. The passengers, or "load," as respondents call them, are from every class of society. Respondents testify that lawyers, army officers, sailors and the unemployed alike use their service. One of the respondents testified that he frequently "picked up" passengers at one of the leading hostelrys in Los Angeles.

The passengers are gathered together, pending a trip, at hotels in which some of the respondents operate travel bureaus. Respondents operating these travel bureaus are known as "bookers." It is the bookers' function to develop passenger business by advertising the sodan service as available to the general public in daily newspapers, in the classified section of the telephone directory, outdoor advertising displays at the travel bureaus, and by distributing business cards. In addition, they sometimes collect the fares, arrange for pick-up service and congregate the passengers together for placement upon the cars which will take them to their destination.

It is clear from the testimony of hotel owners that the so-called travel bureaus are, in fact, passenger stage terminals. They are the agencies through which the activities of the respondents are co-ordinated. The drivers, some operating their own cars, others the employees of car owners, report to the travel bureau immediately upon discharge of their load. They then retire for about eight hours' sleep, in rooms usually rented from the hotel in which the travel bureau is located, after which they are available for pick-up service. This pick-up service is performed mainly under the direction and control of the travel bureaus, and consists of transporting passengers who have made their arrangements by telephone from their homes or hotels to the travel bureau offices or from one travel bureau to another while being assembled into a load. When the passengers arrive at the travel bureaus, their fares are usually

collected by the operators. They must then wait until a car is ready to leave.

The going rate of fare for transportation between Los Angeles and San Francisco is \$4, one way, of which the booker usually retains \$1 as his fee for arranging the transportation.

While respondents generally represent to the public that they maintain a regular scheduled service, the schedule is, in fact, entirely dependent upon the operators gathering together sufficient passengers to constitute a full load. If the travel bureau in which the passengers have purchased their transportation has an insufficient number to constitute a load, they are shifted from travel bureau to travel bureau, and, through this consolidating process, a load is eventually obtained.

When full load, usually seven passengers, is ready, the travel bureau operator generally directs them to the car which is to carry them to their destination. The driver usually piles the baggage on top of the car in a specially constructed baggage rack and starts the trip between the terminal cities via U.S. Highway No. 99. Three rest stops of one-half hour each are made en route. These stops are usually made at restaurants whose owners furnish the drivers free meals in consideration of the passenger trade. Twelve hours, including rest stops, if nothing goes wrong with the car, is sufficient time to complete the trip. The passengers, upon arriving at the end of their journey, are usually discharged at the terminal hotel in which is located a travel bureau from which the driver expects to be furnished his return load.

The evidence as it concerns the activities of each of the respondents is here briefly discussed.

SAM ANALORA operates a sedan service from the Mercer Hotel, 1347 South Hill Street, Los Angeles. Mr. Otto S. Watts, manager of the hotel testified that he leases the space used in the Mercer Hotel



as a travel bureau to Sam Analora. This space consists of rooms 108 and 109, which have access to a parking lot located at one side of the hotel. He stated that cars of the type used in passenger sedan service between Los Angeles and San Francisco are loaded on the parking lot adjacent to the hotel. He further stated that on the average from eight to ten persons with baggage would come into the hotel every day and ask for the "Fast Sedan Service" and that he would direct these people to the rooms rented to Mr. Analora, and they would subsequently leave the hotel in one of these sedans. He also stated that the signs advertising transportation, photographs of which were introduced by the Commission as exhibits, were placed on the premises and maintained by Sam Analora.

A Mr. Carl Heigold, manager of the Huntington Hotel, identified this respondent as one of the persons renting a travel bureau in the Huntington Hotel, located at 752 South Main Street, Los Angeles. He further stated that the renter of the travel bureau had placed signs in the hotel advertising transportation between San Francisco and Los Angeles.

One of the respondents, A. D. Barry, stated that occasionally the sedan cars which he operates are furnished with passengers by Sam Analora.

The operations conducted from the travel bureau at the Huntington Hotel were described by T. F. Grimes, clerk, and they are substantially the same as those conducted at the Mercer Hotel. Mr. Grimes further stated that the books kept by the hotel showed the rental account for the space rented to the travel bureau as carried in the name of Sam Analora and Charles C. Brown.

Respondent Sam Analora has a working arrangement with respondent Iva McGlynn. Mrs. McGlynn stated that she gathers together passengers at San Pedro for transportation to San Francisco, collecting \$5 from each passenger; that these passengers are directed

to Sam Analora in the Mercer Hotel. She further stated that whenever she has passengers she telephones Mr. Analora and he sends down cars to pick them up.

Another travel bureau operator, Ernest Weber, corroborated the evidence of Mrs. McGlynn, testifying that he also sent San Francisco passengers to Sam Analora under a similar arrangement.

The operations conducted by Mr. Analora were described by Roy W. Yeager, a driver having been previously employed by this respondent. He stated that in this employment he carried passengers between San Francisco and Los Angeles, as directed by respondent Analora; that the regular terminal in Los Angeles was the Mercer Hotel where the passengers were loaded into a car from the parking lot in the rear of the hotel, and that while so employed he made approximately two and a half trips a week. In San Francisco he reported, in accordance with Mr. Analora's direction, to the Blackstone Hotel, where arrangements were made for return loads.

The record shows that on November 8, 1937, Sam Analora drove Robert Graff, an investigator who appeared as a witness, from San Francisco to Los Angeles, pursuant to a fare paid, and that on November 9, 1937, said Analora sold transportation to Graff for return trip from Los Angeles to San Francisco for which transportation was furnished.

It also appears of record that this respondent sold transportation between San Francisco and Los Angeles to witness William Hennessey on November 25, 1937; and upon another occasion accepted a round trip ticket issued by a San Francisco booker, and furnished this witness with return transportation to San Francisco.

He also sold transportation to witness David Gilmore between Los Angeles and San Francisco on November 10, 1937, and furnished transportation to Gilmore between these points pursuant to such sale.

An official of The Pacific Telephone and Telegraph Company testified that the telephone bearing exchange number "Ordway 5166" was in the name of Sam Analora, and that the telephone to which this number is assigned is located in the Clark Hotel; that an advertisement appears in the San Francisco telephone book, under classification "transportation", stating "Los Angeles twice daily". A number of business cards which were presented by sedan drivers to witnesses Gilmore, Hennessey and Graff, advertising transportation service between San Francisco and Los Angeles, upon which appeared the aforesaid telephone number, were introduced as exhibits. In addition, advertisements appear in San Francisco newspapers in which the number of the telephone located in the Clark Hotel appears.

An official of the Southern California Telephone Company also testified that records of the company showed Sam Analora to be the subscriber of a telephone located in the Mercer Hotel, to which the number "Prospect 8613" is assigned. This number also appears in an advertisement in the telephone book and upon the business cards hercinbefore referred to.

JOHN ANALORA. Respondent John Analora is employed by respondents Joe Analora and Sam Analora as a passenger sedan driver. He was identified as such by witnesses Iva McGlynn, Douglas Van Meter, Otto S. Watts and William Hennessey. He frequently calls at the business establishment of Miss McGlynn in San Pedro to pick up passengers destined to San Francisco. He drove a sedan between San Francisco and Los Angeles in which William Hennessey was a passenger, the fare on this occasion having been paid to respondent Sam Analora.

JOE ANALORA conducts his operations from the Mercer Hotel, Los Angeles. He is identified by witnesses both as a sedan driver and as an operator.

Witness Roy W. Yeager testified that upon occasions, while he was working for Sam Analora, he drove for Joe Analora.

Douglas Van Meter, a driver, stated that he was employed by Joe Analora. This employment consisted of driving a sedan automobile containing passengers placed therein at the Mercer Hotel, between Los Angeles and San Francisco, over Highway No. 99. He further testified that he had been directed by Joe Analora to obtain return loads from the Clark Hotel in San Francisco. The person in charge of the travel bureau at the Clark Hotel paid him \$3.00 for each passenger, and this money was turned over to his employer, Joe Analora.

Helen Leiser, manager of the Clark Hotel in San Francisco, identified Joe Analora as one of the drivers working out of the travel bureau in this hotel.

Witnesses Gilmore, Hennessey and Graff testified as to various trips which they had made between Los Angeles and San Francisco during the months of August, October, and November, 1937, in cars belonging to Joe Analora. In connection with these trips they paid individual fares for which receipts were issued.

An official of the State Board of Equalization testified concerning records of the State Board of Equalization, particularly reports submitted by respondent. These reports stated that the respondent operates limousine service between Los Angeles and San Francisco.

Certificates from the Department of Motor Vehicles show Joe Analora to be the owner of five sedan automobiles in which the witnesses, Graff, Hennessey and Gilmore were transported as paid passengers between San Francisco and Los Angeles.

ANDY ANDERSON. This respondent operates a travel bureau in the St. George Hotel, 115 Third Street, Los Angeles, as an employee of respondent A. D. Barry. His activities consist of

collecting fares from prospective passengers; arranging for their transportation; directing all drivers working when they are in Los Angeles; directing and controlling the activities of said drivers in connection with the picking up of passengers from various locations in Los Angeles, and supplying them with money necessary to make the trip between the two cities and collecting the fares. In addition, he is charged with advertising the service and soliciting business from the various travel bureaus located in Los Angeles.

A. D. BARRY. This respondent described his business to be "carrying passengers between Los Angeles and San Francisco". He has been engaged in this business for two years. At the time of the hearing, he owned and operated five cars. In Los Angeles his terminal headquarters are located in the St. George Hotel. He is the lessee of travel bureau space and operates it through Andy Anderson. The San Francisco terminal is located in the St. Regis Hotel. Here, operations are directed by Mrs. Maud Wilder. Drivers are employed and their activities directed by the terminal managers. Each car averages two and a half trips a week. They go with full loads most of the time, a full load consisting of seven passengers. The passengers are charged on an individual fare basis, the charge being \$4.00.

Business is developed by advertisements in the telephone book, in newspapers and through the distribution of business cards.

CLYDE C. BROWN. The activity of this respondent centers around the travel bureau operated in the Clark Hotel, San Francisco. The portion of the hotel used by the travel bureau consists of desk space and a waiting room for passengers. Rent is paid by the respondent to Mrs. Helen Leiser, manager of the Clark Hotel. When the premises were rented, respondent told Mrs. Leiser that he intended to operate a sedan service to Los Angeles.

Douglas Van Meter and Eugene Duvual, sedan drivers, stated that their San Francisco operations were directed by this respondent. Upon completion of a run from Los Angeles they would report to him. Their "pick up" service is rendered under his direction and control. He obtains a return load for their cars, collecting the fare from each individual passenger.

Signs are maintained in front of the hotel advertising to the general public a transportation service between Los Angeles and San Francisco.

Respondent is the subscriber to whom the telephone assigned the number "Ordway 5166" is billed. He has placed in the classified section of the San Francisco telephone directory an advertisement announcing "Los Angeles Twice Daily." and in addition, this telephone number appears upon a number of business cards which have been placed in evidence, all of which advertise transportation service between Los Angeles and San Francisco. Witnesses testified that these cards were given to them by drivers of passenger sedans between Los Angeles and San Francisco, or taken from the desks in the Clark or Mercer Hotels. Respondent placed in various San Francisco newspapers advertisements offering to the general public transportation between Los Angeles and San Francisco.

J.A.Gilmore testified that on November 28,1938, he purchased transportation to San Francisco at the Mercer Hotel in Los Angeles, and thereafter he, together with six other passengers, after having been transported from Los Angeles to Fresno, was driven from Fresno to San Francisco by respondent Clyde C.Brown, in an automobile bearing California License No. <sup>BE</sup>PC S 2181. A certified copy of the certificate of registration shows this car to be the property of the respondent.

R. BIEDERMAN. A travel bureau is operated by this respondent at 301 South Main Street, Los Angeles. The premises which he rents from a Mr. Weinstein are liberally posted with signs advertising to the general public that transportation to San Francisco is furnished. One of the exhibits is a photograph of respondent's place of business, with respondent standing in the doorway.

Another establishment is operated at 407-1/2 East Fifth Street. Here, likewise, signs announce to the general public that the business conducted is to furnish transportation between Los Angeles and San Francisco.

Various car operators testified that they, under Biederman's direction, performed pick up service, upon many occasions bringing San Francisco passengers to respondent's place of business. Other operators testified that passengers were directed to their cars by this respondent for transportation to San Francisco.

Respondent is the subscriber to a telephone having the number "Main 6921." This telephone number appears on business cards advertising a transportation service between Los Angeles and San Francisco, which were obtained by witnesses from the drivers of sedans taking them to San Francisco.

BLANCHE BUSE. Lobby space in the Hampshire Hotel is used by this respondent as a travel bureau. Mrs. McAllister, the manager of the hotel, stated that respondent paid rental for the section of the lobby so used. Here she has placed signs advertising to the general public a transportation service between Los Angeles and San Francisco. Each day a number of persons are loaded into large sedans by the travel bureau operators. There are likewise, according to Mrs. McAllister, passengers discharged at the hotel lobby.

Records of the Department of Motor Vehicles show respondent to be the owner of two sedan automobiles in which witnesses testified that they were transported between San Francisco and Los Angeles, as passengers, after paying individual fares.

JAMES BURRIS. For eight years this respondent has been engaged in business as a travel bureau operator. His last location was in front of the Mandarin Cafe, 426 East Fifth Street, Los Angeles, where he has placed signs advising the passing public of a transportation service to San Francisco. He also advertised such service through business cards.

Roy W. Yeager and Henry J. Wilson stated that respondent had upon many occasions furnished them with pay passengers to San Francisco, which respondent admitted. He further admitted to collecting the fares of such passengers and to directing the activities of the drivers in the picking up of the passengers.

ERNEST CHENEY. John Bigot, manager of the Blackstone Hotel, San Francisco, testified that this respondent rented the travel bureau located in that hotel.

Signs are posted so the public will have knowledge that transportation to Los Angeles may be obtained at the travel bureau. Advertisements have been placed in the telephone book and San Francisco newspapers, which also call attention to this service. Certain bookers testified that they had collected individual fares from prospective passengers and turned a portion of each fare over to Cheney, and the passengers had been carried to Los Angeles via his sedans. Witnesses also testified that upon paying individual fares they had been transported between San Francisco and Los Angeles in sedans, which the records of the Department of Motor Vehicles show to be owned by this respondent.

JACK CHAPMAN. Witnesses testified that this respondent sold them transportation to San Francisco, at the travel bureau located in the Chapman Hotel, Los Angeles. A receipt was in each instance given for the fare paid. Thereafter, they were transported to San Francisco via a sedan, which the records of the Department of Motor Vehicles show to be owned by respondent.



Mrs. Magda Alheim, manager of the Chapman Hotel, Los Angeles, testified that this respondent rented the space used as a travel bureau in the hotel. In connection with the operations she testified that every day many persons, after speaking to the operator of the bureau, would leave the hotel via large sedans with baggage racks on top. The travel bureau privilege included the right to use the lobby as a waiting room. Here respondent has posted signs advertising a transportation service available to the public.

E.M.Schubert testified that he had personal knowledge of the operations of this respondent, and knew that he transported passengers between Los Angeles and San Francisco.

Certain bookers stated that upon occasions they had collected individual fares from persons who desired to be taken to San Francisco, remitted a portion thereof to this respondent and that he had thereupon carried these passengers to San Francisco.

Official records of the State Board of Equalization describe the business operated by respondent as a "Passenger service between San Francisco and Los Angeles." This information is contained in respondent's application for a State Board of Equalization permit which was prepared and signed by respondent. In addition, the returns prepared by respondent himself show considerable revenue described as being derived from the same kind of operation.

EUGENE DUVUAL. For a considerable length of time this respondent has been employed as a sedan driver for A.D.Barry. He testified that in such capacity he drove a sedan automobile, the property of A.D.Barry, between San Francisco and Los Angeles, carrying fare paying passengers. He worked out of the St.George Hotel in Los Angeles and the St.Regis Hotel in San Francisco. In connection with the San Francisco operations, it was part of his job to collect the money paid by the passengers as fare and deliver it to Mr.Anderson in the Los Angeles office. He averages about one round trip a week between the terminal cities.

FRANK G. DALEY. The Van Dorn Hotel in San Francisco is the headquarters from which this respondent conducts a sedan service. Mr. Wilson, manager of the hotel, testified that respondent is the lessee of the travel bureau space in the hotel. He further stated that respondent had placed signs on the exterior of the hotel advertising transportation service to Los Angeles. As manager he was constantly about the hotel and every day he would see persons with baggage approach the travel bureau, and, after discussion with the operator, eventually leave the hotel in large sedan automobiles. He also observed persons being unloaded in front of the hotel from the same type of vehicles. This was also a daily occurrence.

Roy W. Yeager testified that he had been employed by this respondent as a sedan driver. In this employment he drove fare paying passengers between San Francisco and Los Angeles. All trips were made via U. S. Highway No. 99. Throughout the period of such employment he made about one and one-half round trips a week between the terminals.

Roy L. Hatler stated that he directed passengers to sedans operated by Daley from Los Angeles after he had collected a part of the fare. He further stated that these passengers were carried to San Francisco via Daley's sedans.

The records of the telephone company show respondent as the subscriber to a telephone having the number "Ordway 0387." He placed an advertisement in the telephone directory stating: "Los Angeles Twice Daily -- Low Rates -- Free Pick up Service." A number of business cards of the "United Sedan Service," which advertise a passenger sedan service between Los Angeles and San Francisco, were placed in evidence as exhibits. It is significant that all such cards advise prospective passengers to telephone "Ordway 0387."

William Hennessey testified that upon two occasions he was driven between San Francisco and Los Angeles in sedans which the records of the Department of Motor Vehicles declare to be the property of respondent. This witness further stated that upon one of these occasions he purchased such transportation at the Van Dorn Hotel, and that upon the other occasion he was discharged at the Van Dorn Hotel after a trip from Los Angeles.

The records of the State Board of Equalization show the respondent to have paid a tax on income derived from "passenger sedan operations."

THERON GITTONS. John Bigot, manager of the Blackstone Hotel, San Francisco, testified that respondent at one time operated a travel bureau in said hotel. Here signs are maintained advertising a transportation service between Los Angeles and San Francisco.

Vernon Huff, manager of the Federal Hotel, San Francisco, likewise testified that the respondent had operated a travel bureau in said hotel.

H. E. Rose, booker, said that he sent Los Angeles passengers to respondent and paid to the respondent the necessary fare.

Roy W. Yeager, a driver, described the respondent's activities in the Blackstone Hotel. He said respondent directed his San Francisco pick-up services, collected the fares from Los Angeles passengers and turned a portion over to him. His employer, Sam Analora, had directed him to report to Gittons upon completion of the run from Los Angeles to San Francisco, in order to get a return load. While in San Francisco, he was under this respondent's direction.

The witnesses, Gilmore, Graff and Hennessey, testified that they had purchased transportation from San Francisco to Los Angeles from this respondent. They further stated that pursuant to such purchase, they were furnished such transportation in sedans which this respondent appeared to direct.

WILLIAM HENRY. Respondent William Henry described his operations as "operating cars to various points in the State." He has been in this business since 1923. There are at the present time two sedan automobiles, which are owned by this respondent, used in his service. These cars carry passengers between San Francisco and Los Angeles. The respondent does not have any established terminal hotel, but works his cars through various Los Angeles and San Francisco booking offices. His drivers are not paid a salary; the fares received are split equally between the driver and Henry. All drivers are instructed to take the shortest route between Los Angeles and San Francisco.

William Hennessey testified that he made a trip from Los Angeles to San Francisco, after paying an individual fare, in a sedan automobile which the State Department of Motor Vehicle records describe as being owned by respondent Henry.

Respondent applied for a State Board of Equalization transportation license and in this application described the operations he is conducting as "passenger service." His tax returns to the State Board show a considerable income derived from this business.

CLARA HILL. This respondent testified, and described the kind of transportation business in which she is engaged. For five years she has operated a travel bureau located in the lobby of the Grand Hotel, San Francisco. Here she has posted signs advertising a sedan service to Los Angeles. An employee is hired to take charge of this travel bureau desk in the hotel lobby and to answer the telephone. Respondent has placed a large advertisement in the San Francisco telephone directory stating: "Los Angeles twice daily".

Respondent drives for various car owners, among them William Henry and A. D. Barry. In this capacity she drives passengers who have paid individual fares between Los Angeles and San Francisco in large sedan automobiles. She makes from one to four trips each week.

Through her booking office she obtains passengers to Los Angeles. The office collects an individual fare from each passenger. This is split between the office of respondent and the operator of the main line car.

ROY L. HATLER, A "spot car," parked at 256 E. 5th Street, Los Angeles, is this respondent's place of business. He has placed on the car signs advertising transportation between various points in the United States.

Respondent testified he sends about twenty passengers each month to San Francisco via the automobiles of various sedan services, including those operated by Frank Mate, A. D. Barry and James Manassee. He directs the pick up service of the cars while they are engaged in concentrating his passengers for the main line haul. A portion of the fare is collected and a receipt issued showing the balance due. The passenger is given this receipt, presents it to the operator of the car furnishing the transportation and pays the balance indicated as due.

He is a member of the "AAA Travel Bureau" a nation wide association of persons engaged in the passenger sedan business. This association acts as what may be best described as a passenger forwarding agency. Respondent said there were members in sixty-five cities in the United States and Canada.

JOHN F. KELLY. Since 1919, this respondent has been in the passenger sedan business. He operates the travel bureau at the Florence Hotel, Los Angeles. Here signs are posted advertising sedan transportation service to the public. He collects a portion of the fare from passengers, issuing to them a receipt showing the sum due. This is collected by the driver taking the person to San Francisco. Approximately nine San Francisco passengers are booked through his office each week. He directs the activities of the drivers while engaged in pick up and concentration

of his passengers. The passengers whom he books are actually transported to San Francisco via sedans owned by A. D. Barry, Frank Mate and Frank G. Daley.

THOMAS EDWARD KELLY. Respondent Thomas Edward Kelly testified that he was engaged in the business of a "free lance" sedan driver. He operates cars for respondents Willie Meaney and James Manassee. He also drove for other operators. The business of the "free lance" sedan driver is described as driving a load of passengers for anyone between San Francisco and Los Angeles. On the return trips he takes charge of fare collections from each passenger. His operation is via U. S. Highway No. 99. On each trip he makes regular rest stops at certain cafes.

Witnesses Graff and Hennessey testified that respondent Thomas Edward Kelly had driven a sedan automobile between Los Angeles and San Francisco in which they, together with other persons, were carried as paid passengers.

T. W. LEWIS. Mr. Carl L. Brunner, assistant manager of the Federal Hotel, testified that H. E. Rose, the travel bureau operator, whose business is hereinafter described, introduced Lewis to him as one of his drivers.

Witness Robert A. Graff testified that on November 18, 1937, this respondent drove Graff, together with four other passengers, from the Federal Hotel in San Francisco to Los Angeles. The arrangements for such transportation were made through H. E. Rose at the Federal Hotel, to whom the fare was paid.

JAMES MANASSEE. For two years past this respondent has operated a transportation service from the Alta Hotel, San Francisco.

Herman Roth, clerk at the Alta Hotel, testified that respondent rented the space in the hotel used as a travel bureau. The travel bureau rental included the right to use the lobby as a passenger waiting room. There are signs placed here by respondent, advertising

transportation service to Los Angeles. These signs quote an individual fare which is changed frequently. The witness said he observed passengers waiting about the lobby of the hotel. He further testified that two schedules a day seemed to be maintained, one car leaving at noon, another at 6:00 P.M.

Roy W. Yeager and Thomas Edward Kelly testified that they had been employed by this respondent to drive passengers in sedan automobiles between San Francisco and Los Angeles. They further stated that they collected money from Los Angeles bookers for the return load to San Francisco and turned this money over to their employer.

Witnesses Robert Graff and J. A. Gilmore each testified that they had made trips from Los Angeles to San Francisco as paid passengers in sedan cars registered to respondent.

Respondent is the telephone subscriber to whom telephone number "Exbrook 5681" has been assigned. The telephone is located in the lobby of the Alta Hotel. Numerous business cards advertising a sedan travel service between Los Angeles and San Francisco, advising interested persons to call "Exbrook 5681" for information are a part of the record in this proceeding. In addition there have been advertisements in the San Francisco newspapers advertising such service and likewise advising interested persons to telephone "Exbrook 5681" for information.

The records of the State Board of Equalization disclose that respondent's audit report describes his business as transportation service between San Francisco and Los Angeles. His tax returns indicate that he derived from such operations a monthly income of approximately \$400.00.

IVA McGLYNN. A travel bureau is operated by this respondent in San Pedro. It is located in the lobby of an office building at 2029 sixth Street. Signs have been placed in the building advertising transportation to "San Francisco twice daily". Mrs. McGlynn has caused advertisements of this service to be placed in the classified section of the telephone directory, advertising the same type of service. She works in close cooperation with Sam Anadora. When a passenger is booked for San

Francisco she collects the fare, which is \$5.00 for each passenger. This fare is then divided between Mrs. McGlynn and Sam Analora through a banking arrangement. She telephones Sam Analora when a passenger is available and orders him to send a car to San Pedro and when the driver reports, she directs the pick up.

H. G. McATEER. This respondent operates a travel bureau at 744 Howard Street, San Francisco. For some time past he has worked as a partner of H. B. Vennum. He has charge of the office and respondent Vennum drives the car. The operations consist of carrying passengers between Los Angeles and San Francisco. The fare charged and collected is \$4.00.

Signs are placed on the exterior of the travel bureau advising the public that transportation between Los Angeles and San Francisco may be purchased.

The respondent admitted that an average of four passengers a day were transported through his service from San Francisco to Los Angeles.

HENRY W. MOUDY. A travel bureau located in Barclay Hotel, Los Angeles, is operated by this respondent. Charles L. Catlin, clerk of the hotel, testified that respondent paid a rental of \$15.00 for desk space and the privilege of using the lobby as a waiting room for passengers. He further stated that respondent had placed signs on the hotel advertising transportation to San Francisco twice daily. He also said he observed passengers being loaded into large sedans, with baggage racks on top.

Roy W. Yeager, sedan driver, testified that he had picked up passengers destined for Los Angeles under Moudy's direction.

This respondent has an advertisement in the classified section of the telephone directory advertising a travel service.

On November 15, 1937, at the Barclay Hotel, the respondent sold transportation to the witness, J. A. Gilmore. The charge made was \$5.00, and respondent issued a signed receipt to Gilmore. Thereafter, Gilmore was driven to San Francisco in a sedan automobile furnished by respondent, together with two other passengers.

AUSTIN PATTON MUZINGO. Leon C. Wallace testified that he subleased a portion of a store located at 221 E. 6th Street, Los Angeles, to



this respondent. He further testified that at the time the premises were leased, the respondent said he desired to place signs on the exterior advertising a travel service. These signs were subsequently prepared by witness Alice Berry, under Muzingo's direction. They advertised a sedan service between Los Angeles and San Francisco. Frequently, people would come into Wallace's garage and ask him questions concerning travel to San Francisco. These persons would be referred to respondent. Wallace saw people placed in large sedans in front of the travel bureau and noted their baggage being placed in racks on top of the car.

Roy W. Yeager and William Henry, sedan drivers, each testified that Muzingo had directed San Francisco passengers to their cars. They further stated that Muzingo collected fares from these passengers, retained a portion and delivered the remainder to them in return for furnishing transportation to San Francisco.

ALICE MEANEY. This respondent rents desk space, together with the privilege of using the lobby as a waiting room, from M. Griffin, manager of the Angelus Hotel, Los Angeles. Mr. Griffin testified that respondent has placed signs both inside and outside of the hotel advertising transportation service to San Francisco. He also stated that frequent calls came to him over the house telephone requesting information concerning travel service, and particularly the rate to San Francisco. These calls he turned over to respondent. He has observed passengers and their baggage being placed in large sedan automobiles in front of the hotel under the direction of respondent.

Thomas Edward Kelly, a driver, testified that he was employed by respondent to drive a sedan automobile carrying passengers between Los Angeles and San Francisco. He further stated that he would collect the fare at the San Francisco end of the run and turn it over to his employer.

Advertisement of this service is accomplished through the classified section of the telephone directory and through the distribution of business cards.

FRANK MATE. Respondent Mate operates a travel bureau in the Hillside Hotel, San Francisco. Here he has placed signs advertising a passenger service between San Francisco and Los Angeles. In addition, he advertises in the telephone directory and by business cards.

Roy W. Yeager testified that he drove sedans for this respondent, carrying passengers between Los Angeles and San Francisco.

Ernest Weber, John F. Kelly and James Burris testified that they had collected a portion of the fare from San Francisco passengers and had directed cars furnished by Frank Mate in pick up of such passengers.

Witnesses Graff, Hennessey and Gilmore each testified that they had been carried as fare paying passengers between San Francisco and Los Angeles in sedan automobiles owned by Frank Mate.

State Board of Equalization records show respondent's application for a permit, in which he states that he operates a passenger service between San Francisco and Los Angeles. In addition, his tax returns show earnings from this source to range from approximately \$300.00 to \$800.00 a month.

E. J. McCAULEY. A travel bureau is operated by this respondent in the Panama Hotel, Los Angeles. He has caused signs to be placed in front of the hotel advertising a transportation service between San Francisco and Los Angeles available to the public.

A. D. Barry, Roy W. Yeager and Eugene Duvual testified that they had each been directed to fare paying passengers by this respondent. In this connection, it appears that respondent directed the pick up service to such passengers and collected fares.

H. E. Rose, booker in the Federal Hotel, stated that this respondent furnished San Francisco passengers to the cars owned by respondent Jack O'Brien.

DAVID MALVERN. This respondent is a sedan driver employed by Sam Analora to drive a passenger sedan between San Francisco and Los Angeles. He was identified by Mrs. Helen Leiser as a driver who worked with the travel bureau in the Clark Hotel. Herman Roth, manager of the Alta Hotel, testified that he knew this respondent as a driver who took passengers from the travel bureau in his hotel.

H. E. Rose said that he had placed fare paying passengers destined for Los Angeles in a car driven by Malvern.

JACK C. O'BRIEN. This respondent owns two sedan automobiles, in which he transports fare paying passengers between San Francisco and Los Angeles.

Clara Hill testified that she worked as a driver for this respondent prior to January, 1938. In this employment she drove a car owned by O'Brien, carrying passengers, each of whom paid an individual fare, between Los Angeles and San Francisco.

J. E. Gilmore and Robert Graff testified to trips which they made as fare paying passengers between San Francisco and Los Angeles in cars owned by this respondent.

An audit report to the Board of Equalization presented in connection with transportation tax return states the business of respondent to be "operating a 1927 Packard used in bus service between Los Angeles and San Francisco." In addition, the same report shows the respondent's gross income from this business to have exceeded \$100.00 a month.

H. E. ROSE. Respondent Rose operates a travel service in the Federal Hotel. He testified that he gathered together passengers for Los Angeles, directed pick up service and collected the fare. The fare collected is divided between respondent and the owner of the car making the trip. The service is advertised to the general public by signs placed at the hotel, through the classified sections of San Francisco newspapers, in the telephone directory and by distribution of business cards.

A. D. Barry, Roy W. Yeager, Thomas Edward Kelly, Frank B. McDonald and William Henry testified that Rose had supplied their cars with Los Angeles passengers and collected the fare on an individual basis, retaining a portion for himself.

Frank B. McDonald testified that he drove a car carrying paid passengers between Los Angeles and San Francisco, under the direction of respondent Rose.

Witnesses Graff and Hennessey each testified that he had purchased transportation from San Francisco to Los Angeles from this respondent at the travel bureau in the Federal Hotel. They further testified that Rose furnished a sedan automobile which had transported each to Los Angeles for the fare so paid.

JACK RYAN. Douglas Van Meter identified this respondent as having at one time been the owner of a travel bureau in the Florence Hotel. He further testified that paid passengers had been furnished to his car from this bureau.

E. C. Howell, manager of the Grand Hotel, stated that he had seen this respondent's car discharging passengers in front of the hotel. He also stated that he knew this respondent to be one of the drivers operating from the travel bureau in the Grand Hotel.

J. A. Gilmore testified that upon two occasions this respondent had driven a sedan between Los Angeles and San Francisco in which he was riding as a fare paying passenger.

MILES STRAIGHT. In 1937 this respondent operated a travel bureau in the Grand Hotel. He maintained two schedules a day, one car leaving at 11:30 a.m., and the other at 5:30 p.m. The manager of the hotel testified that people would telephone every day and ask if any busses were going to Los Angeles. He transferred all these calls to respondent. The respondent had signs placed on the hotel advertising a travel service to Los Angeles.

Witnesses Hennessey and Gilmore testified that they had purchased transportation from this respondent, on an individual fare basis, between San Francisco and Los Angeles, and that pursuant to such purchase he had furnished a car in which they, together with other persons, were driven to Los Angeles.

E. M. SCHUBERT. This respondent was served as an individual in the order to show cause issued by the Commission. The record shows, however, that said respondent is not operating passenger stages as an individual but is employed as a corporate officer (secretary) of Pioneer Sedan Service, Incorporated, which corporation was not served with a copy of the order to show cause.

Subsequent to submission of the instant proceeding, the Commission issued its "Order Instituting Investigation and Order to Show Cause", Case No. 4312, dated April 11, 1938, against Pioneer Sedan Service, Incorporated, for the principal

purpose of determining whether or not said corporation is operating as a passenger stage corporation as defined in the Public Utilities Act without having first obtained a certificate of public convenience and necessity so to do.

In view of the institution of this new proceeding, it does not appear necessary to discuss in detail the evidence relating to the operation of the Pioneer Sedan Service, Incorporated, and this proceeding in so far as E. M. Schubert is concerned should be dismissed.

E. M. TOMPSON. A portion of the lobby of the Grosse Building, 124 W. 6th Street, is rented by this respondent and used as a travel bureau. He has placed signs on the building offering a transportation service to the public between San Francisco and Los Angeles.

Douglas Van Meter and Roy W. Yeager each testified that this respondent had directed them in picking up passengers. They further stated that he had furnished their cars with fare paying passengers destined to San Francisco. A portion of the fare of such passengers was collected by the respondent.

William Hennessey testified that on August 9, 1937, he purchased from respondent transportation from Los Angeles to San Francisco. Thereafter, he was driven to San Francisco, together with other passengers, in a sedan furnished by respondent.

H. R. VENNUM. For a portion of the year 1937, this respondent was engaged in business with respondent McAteer. During this period he owned and drove a car carrying fare paying passengers between San Francisco and Los Angeles. McAteer had charge of the travel bureau located in San Francisco, where

he solicited the passengers and advertised the service.

Iva McGlynn testified that this respondent is now employed as a driver for Sam Analora and picks up passengers from her establishment.

Upon three occasions, Vennum drove a car in which William Hennessey rode as a fare paying passenger, between Los Angeles and San Francisco. The car used on one of these trips was owned by Vennum.

DOUGLAS VAN METER. This respondent testified that he was employed as a sedan driver. His duties consist of driving a sedan automobile belonging to Joe Analora between San Francisco and Los Angeles. The car usually contains seven fare paying passengers each trip. He makes two round trips a week between the terminal cities.

ERNEST WEBER. A travel bureau is operated by this respondent, at 604 E. 5th Street, Los Angeles. He testified and described the business operated by the travel bureau. He maintains a telephone and desk on the premises. Advertisement of transportation service to San Francisco is accomplished through signs and business cards. The passengers obtained are transported to San Francisco via cars belonging to respondents Manacsee, Mate and O'Brien. This respondent directs these cars in their "pick up" of his passengers and collects a portion of the fare.

H. C. WARNER. This respondent testified that he operates a travel bureau at 646 So. Main Street, Los Angeles. He offers to the public a transportation service between Los Angeles and San Francisco via sedan automobiles. The service is advertised through signs, by the distribution of business cards and by a list-

ing in the classified directory. The respondent contacts passengers, collects their fares and procures cars to transport them to San Francisco.

MAUD WILDER. A. D. Barry testified that respondent Maud Wilder had charge of his cars while they were in San Francisco.

Respondent testified concerning her own activities. She stated that she was the operator of the travel bureau in the St. Regis Hotel, San Francisco. A transportation service to Los Angeles is offered to the public and advertised in the newspapers, the telephone directory and by distribution of business cards. The fare charged is \$4.00 for each passenger. About four cars a day leave her terminal with a load of passengers destined for Los Angeles. She collects the fares from the passengers and divides same between herself and the operator of the car.

KEITH WELLS. This respondent has worked as a driver for various persons engaged in the passenger sedan business. He testified that he had driven cars, in which were riding fare paying passengers, for Frank Line, Mr. Miller and Ed. Durel. These passengers were driven between Los Angeles and San Francisco.

H. J. WILKEN. A 1929 Packard is owned and operated by this respondent in passenger service between Los Angeles and San Francisco. He obtains passengers from many booking establishments in San Francisco and Los Angeles. About one round trip a week is made between the terminal cities. On each trip, seven passengers who have paid individual fares are carried. He always uses the same highway on these trips, namely: U.S. Highway No. 99. This respondent has been engaged in this business for many years.



ROY W. YEAGER. This respondent has been employed as a driver by Sam Analora, Frank Daley and other passenger sedan operators. In this employment he drives sedans loaded with fare paying passengers between San Francisco and Los Angeles. The usual route followed on these trips is U. S. Highway No. 99. He makes about an average of one and a half round trips a week between the terminal cities.

FRANK B. McDONALD. This respondent is the owner of a Chrysler sedan, which he operated between Los Angeles and San Francisco, as a passenger stage, under the direction of respondent E. E. Rose. He described his own operations. In the year 1937, he made five round trips, the last trip being made on November 29, 1937. The passengers were charged individual fares, varying between \$3.50 and \$4.00 each. Mr. Rose would direct the passengers to his car and take a portion of the fares. Mr. Rose told him to discharge the passengers in Los Angeles, at the Your Hotel. The travel bureau operator in the Your Hotel furnished him with return loads.

Ray Riordan, Certificate Clerk of the Railroad Commission, testified that he examined the records of the Commission containing the names of all persons possessing certificates of public convenience and necessity for the operation of passenger stage corporations between San Francisco and Los Angeles, and that none of the respondents is shown to have had issued to him any such certificate.

Sec. 2½ (a), Public Utilities Act of the State of California, defines "passenger stage" as follows:

"The term 'passenger stage' when used in this act, includes every stage, auto stage or other motor vehicle, used in the transportation of persons, or persons and their baggage or express, or persons or baggage or express, when such baggage or express is transported incidental to the transportation of passengers."

Sec. 2 $\frac{1}{2}$  (b) of the same Act defines "passenger stage corporation" in the following language:

"The term 'passenger stage corporation,' when used in this act, includes every corporation, or person, their lessees, trustees, receivers or trustees appointed by any court whatsoever engaged as a common carrier, for compensation, in the ownership, control, operation or management of any passenger stage over any public highway in this state between fixed termini or over a regular route; provided, however, that this term shall not include those whose operations are exclusively within the limits of a single incorporated city, town or city and county, or whose operations consist solely in the transportation of bona fide pupils attending an institution of learning between their homes and such institution of learning."

Sec. 50 $\frac{1}{2}$ , Public Utilities Act provides, in part as follows:

"No passenger stage corporation shall hereafter operate or cause to be operated any passenger stage over any public highway in this state without first having obtained from the railroad commission a certificate declaring that public convenience and necessity require such operation \* \* \*."

"\* \* \* Any act of transporting or attempting to transport any person or persons by stage, auto stage, or other motor vehicle upon a public highway of this state between two or more points not both within the limits of a single incorporated city, town or city and county, where the rate, charge or fare for such transportation is computed, collected or demanded on an individual fare basis, shall be presumed to be an act of operating as a passenger stage corporation within the meaning of this act."

The evidence hereinbefore reviewed establishes each of the respondents named and served in the proceedings herein except respondents Robert Bartell, Mrs. Robert Bartell, Jane Doe Brown, Somner Dodge, Alice Berry, John Analora, Eugene Duval, Thomas Edward Kelly, T. W. Lewis, David Malvern, Douglas Van Meter, Keith Wells, Roy W. Yeager and E. M. Schubert, to have been engaged in business as a passenger stage corporation, as this term is defined in Sec. 2½ (b) of the Public Utilities Act, in violation of Sec. 50½ of said Act.

An order of this Commission finding an operation to be unlawful and directing that it be discontinued is, in its effect, not unlike an injunction issued by a court. A violation of such order constitutes a contempt of the Commission. The California Constitution and the Public Utilities Act vest the Commission with power and authority to punish for contempt in the same manner and to the same extent as courts of record. In the event the party is adjudged guilty of contempt, a fine may be imposed in the amount of \$500.00, or he may be imprisoned for five days, or both.

C. C. P. Sec. 1218;

Motor Freight Terminal Co. v. Bray, 37 C.R.C. 224;

In re. Ball and Hayes, 37 C.R.C. 407;

Wermuth v. Stamper, 36 C.R.C. 438;

Pioneer Express Co. v. Keller, 33 C.R.C. 571.

FINDINGS OF FACT

Upon consideration of the evidence herein, the Commission hereby makes the following findings of fact:

1. That the respondents:

Sam Analora	John F. Kelly	H. E. Rose
Andy Anderson	E. J. McCauley	Jack Ryan
Richard Biederman	Iva McGlynn	Miles Straight
James Burris	H. J. McAteer	E. M. Thompson
Theron Gittons	Alice Keaney	H. C. Warner
Roy C. Hatler	Henry W. Moudy	Ernest Weber
Clara Hill	Austin Patton Muzingo	Maud Wilder

have each been engaged during the period of one year immediately preceding, and at the time of, the commencement of the above entitled proceedings, respectively, as a common carrier, for compensation computed, collected and demanded upon an individual fare basis, in the control, operation and management of a motor vehicle or motor vehicles transporting persons over the public highways of the state of California between fixed termini, to wit: between Los Angeles on the one hand and San Francisco on the other hand, without having first obtained a certificate of public convenience and necessity from the Railroad Commission of the State of California and without owning, possessing and holding any operative right based upon operations conducted in good faith at the time Section 50-1/4, Public Utilities Act (Statutes 1927, Chapter 42) became effective, in compliance with the provisions of Chapter 213, Statutes of 1917, as amended, authorizing such operation.

2. That the respondents:

Joe Analora	Ernest Cheney	Frank B. McDonald
A. D. Barry	Frank G. Daley	Jack C. O'Brien
Clyde C. Brown	William Henry	H. B. Vennum
Blanche Bush	James Manassee	H. J. Wilken
Jack Chapman	Frank Mate	

have each been engaged during the period of one year immediately preceding, and at the time of, the commencement of the above entitled

proceedings, respectively, as a common carrier, for compensation computed, collected and demanded on an individual fare basis, in the ownership, control, operation and management of a motor vehicle or motor vehicles transporting persons over the public highways of the state of California between fixed termini, to wit: between Los Angeles on the one hand and San Francisco on the other hand, without having first obtained a certificate of public convenience and necessity from the Railroad Commission of the State of California and without owning, possessing and holding any operative right based upon operations conducted in good faith at the time Section 50-1/4, Public Utilities Act (Statutes 1927, Chapter 42) became effective, in compliance with the provisions of Chapter 213, Statutes of 1917, as amended, authorizing such operation.

3. That the record does not contain sufficient evidence to show the following respondents, to wit:

Robert Bartell	Douglas Van Meter	T. W. Lewis
Mrs. Robert Bartell	Roy W. Yeager	David Malvern
Jane Doe Brown	John Analora	Keith Wells
Somner Dodge	Eugene Duvual	E. M. Schubert
Alice Berry	Thomas Edward Kelly	

to be operating as passenger stage corporations as defined in said Public Utilities Act, and they should therefore be dismissed as parties to these proceedings.

4. None of the following named respondents, viz:

John Doe Bramford	Earl George Grimm	Roy Mills
P. M. Brewer	John Doe Goodell	Ruth O'Brien
John Doe Bacome	John Doe Good	Harvey Smith
John Doe Carlson	Jane Doe Griffin	Frank McKendry
John Doe Freed	Ruth Henry	Keith Martin
Edward Durel	Ralph J. Keller	

has been served with a certified copy of an Order to Show Cause issued in any of the proceedings herein, and they should therefore be dismissed as parties to said proceedings.

O R D E R

A public hearing having been held in the above entitled proceedings, evidence having been received, the matters having been duly submitted, and the Commission being now fully advised,

IT IS HEREBY ORDERED:

I. That the true names of certain respondents be and they are hereby substituted, respectively, for the names erroneously set forth in the respective Orders Instituting Investigation herein, as follows:

<u>Name Appearing in Order Instituting Investigation for Which Substitution is Here Made</u>	<u>Name as Substituted</u>
John Doe Anderson . . . . .	Andy Anderson
John Doe Brown . . . . .	Clyde C. Brown
Ernest Chaney . . . . .	Ernest Cheney
James Duvall . . . . .	Eugene Duvual
Ray Hatler . . . . .	Roy L. Hatler
James Manasse . . . . .	James Manassee
E. G. McAteu . . . . .	H. J. McAteer
Henry Moody . . . . .	Henry W. Moudy
A. J. Rose . . . . .	E. E. Rose
Thomas Tompson . . . . .	E. M. Tompson
M. Wilder . . . . .	Maud Wilder
First Doe . . . . .	Iva McGlynn
Second Doe . . . . .	Austin Patton Muzingo
Third Doe . . . . .	James Burris
Eighth Doe . . . . .	Richard Biederman
Ninth Doe . . . . .	E. J. McCauley
Eleventh Doe . . . . .	Ernest Weber
Twelfth Doe . . . . .	E. M. Schubert
Nineteenth Doe . . . . .	John F. Kelly

and that said Orders Instituting Investigation herein be and they are hereby respectively amended accordingly.

II. That the respondents:

Sam Analora	John F. Kelly	Jack Ryan
Andy Anderson	Frank McCauley	Miles Straight
Richard Biederman	Iva McGlynn	E. M. Tompson
James Burris	H. J. McAteer	H. C. Warner
Theron Gittons	Alice Meaney	Ernest Weber
Roy L. Hatler	Henry W. Moudy	Maud Wilder
Clara Hill	Austin Patton Muzingo	
	E. E. Rose	

and each of them, be and they are, and each of them is, hereby required and directed immediately to cease and desist, directly or indirectly or by any subterfuge or device, from engaging as a common carrier in the control, operation and management of any motor vehicle or motor vehicles transporting any person or persons for compensation over the public highways of the state of California between fixed termini, to wit: between Los Angeles on the one hand and San Francisco on the other hand, without having first obtained from the Railroad Commission of the State of California a certificate of public convenience and necessity authorizing such operation.

III. That the respondents:

Joe Analora	Ernest Choney	Frank B. McDonald
A. D. Barry	Frank G. Daley	Jack C. O'Brien
Clyde C. Brown	William Henry	H. B. Vennum
Blanche Bush	James Manassee	H. J. Wilken
Jack Chapman	Frank Mate	

and each of them, be and they are, and each of them is, hereby required and directed immediately to cease and desist, directly or indirectly or by any subterfuge or device, from engaging as a common carrier in the ownership, control, operation and management of any motor vehicle or motor vehicles transporting any person or persons for compensation over the public highways of the state of California between fixed termini, to wit: between Los Angeles on the one hand and San Francisco on the other hand, without having first obtained from the Railroad Commission of the State of California a certificate of public convenience and necessity authorizing such operation.

IV. That the respondents:

John Analora	Edward Durel	Keith Martin
Jane Doe Brown	John Doe Freed	David Malvern
Robert Bartell	Earl George Grimm	Roy Mills
Mrs. Robert Bartell	John Doe Good	Ruth O'Brien
Alice Berry	John Doe Goodell	Harvey Smith
Sommer Dodge	Jane Doe Griffin	Frank McKendry
Eugene Duvual	Ruth Henry	Douglas Van Meter
John Doe Bramford	Thomas Edward Kelly	Keith Wells
P. M. Brewer	Ralph J. Keller	Roy W. Yeager
John Doe Bacome	T. W. Lewis	E. M. Schubert
John Doe Carlson		

be and they are hereby dismissed as parties, and each of them is hereby dismissed as a party, to the above entitled proceedings and each of them.

IT IS HEREBY FURTHER ORDERED that the Secretary of this Commission shall cause a certified copy of this decision to be personally served upon each of said respondents.

IT IS HEREBY FURTHER ORDERED that for all purposes this order shall become effective as to each respondent twenty (20) days from and after service thereof, as hereinabove provided, upon said respondent.

Los Angeles

Dated at ~~San Francisco~~ California, this 6<sup>th</sup> day of

June 1938.

Arthur M. ...  
Leon ...  
Francis ...  
Karl ...  
Ray ...  
COMMISSIONERS