

ORIGINAL

Decision No. 34528

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)	
HENRY MARKS, doing business as ACME)	Application No. 24222
TRAVEL SERVICE, for a license as a)	
Motor Carrier Transportation Agent.)	

PAUL H. BRUN, for Applicant.

ARTHUR H. CONNOLLY, JR. for Passenger Carriers, Inc., Protestant.

JAMES GUNN, for Board of Public Utilities and Transportation of the City of Los Angeles, Interested Party.

BY THE COMMISSION:

O P I N I O N

This is an application by Henry Marks, an individual, doing business as Acme Travel Service, for a license to engage in the business of a motor carrier transportation agent pursuant to the requirements of Chapter 390, Statutes of 1933, as amended.

A public hearing of this application was had in Los Angeles before Examiner McGettigan on July 2, 1941, where testimony was taken, the matter submitted, and it is now ready for decision.

Passenger Carriers, Inc. protested the granting of this application and the Board of Public Utilities and Transportation of the City of Los Angeles participated as an interested party.

Marks, a former service station employee, newspaper circulator and taxicab driver, testified that he proposed to establish a place of business in the city of Los Angeles at an, as yet, undetermined address. No information as to what his rental, telephone or other office costs would be was offered by this applicant. He was unable, further, to state whether or not he could obtain the \$1,000 surety bond required as a prerequisite to the issuance of an agent's license and, in fact, admitted that he had not yet entered into any negotiations with nor contacted any surety for the purpose of attempting to satisfy this requirement.

Applicant admitted that he had had no transportation experience other than that gleaned from observations made while in and about the premises used by his brother who, at the present time, is operating a travel bureau in Los Angeles. ⁽¹⁾ Elaborating on this phase of his proposal, Marks testified that he himself would not actively conduct this business but would serve in the capacity of manager or supervisor of the various activities involved and would employ others more experienced than he to directly handle the details of the bureau. When confronted with the prospect of being required to either himself obtain individual licenses for these employees, who were neither named nor otherwise specifically referred to or identified, or see that they applied and obtained such authority, he admitted ignorance of such requirements, but readily agreed to comply or obtain

(1) In regard to this contact, applicant was positive in his assertion that he had no official connection with this agency and had not participated or engaged in any motor carrier transportation agent activities there or at any other place.

compliance therewith. The record is silent also as to the basis for or amount of compensation to be paid to these employees.

Applicant's proposal is limited to arranging solely for the transportation, interstate, of persons by means other than any established lines or systems of common or contract motor carriers.

Specifically, applicant's system is designed to provide facilities whereby casual and occasional out-of-state tourists returning from Southern California to points in other states or residents of California intending to make trips out of the state to specific destinations may register their vehicles for \$1.00 per car for the purpose of contacting people desirous of traveling to such points and willing, for the privilege of being afforded such an opportunity for transportation, to pay a portion of the expense incurred in making such a trip. Likewise, persons desiring transportation under the conditions outlined would be permitted to register and thereafter obtain a "place" or "seat" in such registered vehicles upon a fee basis, not definitely determined upon this record but consistent with standard practices in the business. In this particular instance applicant agreed that a sum not to exceed \$2.00 per person would be assessed for which he would assume full and complete responsibility for the safe delivery of patrons to destination, even to the extent of remitting bus fare or providing another vehicle in the event of breakdown or "dumping" of passengers by registrants. Included also was a promise of hotel accommodations for patrons for whom he failed, for whatever cause, to provide suitable transportation facilities at the time specified.

According to applicant, he would collect only the monies due him for the specific fees described.

In connection with these registered cars, applicant stated that by means of a card index system (apparently standard practice in the business) and other means of checking and identification, every effort would be made to use only bona fide tourists, operating current model automobiles in good mechanical condition, legitimately desirous of obtaining no more than partial defrayment of operating expenses. This, to avoid an influx of "repeaters," "regular drivers" or "professional tourists," with attendant implications of unlawful carrier operation.

With respect to the financial standing of this applicant, the record reveals that he is not now regularly employed. He is a married man and his wife, who is presently employed, has agreed to advance him \$500 for use in his proposed travel bureau.

A summarization of the record in this proceeding shows that applicant has had little, if any, experience in the type of business here involved; has no definite plans for said business, either as to site, cost of operation or personnel required; and, has made no effort to obtain the required surety bond nor ascertained the cost of or qualifications for obtaining such an instrument and does not propose to conduct the business himself, but delegate the work to others.

A review of the record leads to the conclusion that applicant has failed to justify the granting of this application. Therefore, it will be denied.

O R D E R

A public hearing having been had in the above-entitled proceeding, evidence having been received, the matter having been duly submitted, and the Commission now being fully advised,

IT IS ORDERED that Application No. 24222 be and the same hereby is denied.

The effective date of this order shall be twenty (20) days from the date hereof.

Dated at San Francisco California, this 26th day of August, 1941.

[Signature]
Justice J. Coe
Francis D. Howen

COMMISSIONERS