

ORIGINAL

Decision No. 35090

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
 W. B. ELFSTROM for a license )  
 authorizing him to engage in the )  
 business, or act in the capacity, )  
 of a motor carrier transportation ) Application No. 24552  
 agent in the City of Los Angeles, )  
 County of Los Angeles, State of )  
 California. )

F. W. TURCOTTE, for applicant.

ORLA ST. CLAIR, for Passenger Carriers,  
Inc., protestant.

JONATHAN C. GIBSON and W. F. BROOKS for  
Atchison, Topeka & Santa Fe Railway  
and Santa Fe Transportation Co.,  
protestants.

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

In this proceeding applicant seeks a license to engage in business as a motor carrier transportation agent as defined in the Motor Carrier Transportation Agent Act (Statutes 1933, Chapter 390, as amended). Public hearing was held in Los Angeles before Examiner Loughran on January 8, 1942.

Applicant proposes to do business as such agent at 264 East 6th Street, Los Angeles, California. Here he will register the automobiles of persons who are going on interstate automobile trips for their own business or pleasure purposes and who desire to transport a few fare-paying passengers to help defray the expenses of their trip. He will procure passengers for cars so registered and will charge the persons to be transported a fee

for placing them in contact with car owners. He will not register or procure passengers for cars which are operated by persons regularly engaged in the business of transporting passengers for profit.

This applicant has been a resident of the State of California since 1930. During his residence in this State he has held many positions which required him to deal with the general public and so far as the record discloses he has always discharged the duties of these positions in a creditable manner. Since 1937 he has owned and successfully operated a rubber goods factory located at 2300 East 48th Street, Los Angeles, California. He appears to be a law abiding person who understands the obligations he will be required to assume as a motor carrier transportation agent and who is fully prepared to discharge his duties as such agent in a lawful and efficient manner.

After a full consideration of all of the facts of record in this matter the Commission is of the opinion that this applicant should be licensed to operate as a motor carrier transportation agent at 254 East 6th Street, Los Angeles, California, and such license will be issued to him.

A motor carrier transportation agent license may be revoked by the Commission when it appears that the holder has engaged in false advertising or false representation, or has sold, offered for sale, or negotiated for sale transportation by any carrier operating without the proper authority or in violation of state or federal laws or the general rules and regulations of the Railroad Commission. It will be the policy of the Commission to revoke licenses with all possible dispatch when it appears that the holder thereof is engaged in unlawful or improper practices.

Applicant is cautioned to inform prospective passengers that he exercises no control over the operation of the vehicle in which they are to ride, but merely acts as an intermediary to place them in contact with the owner, and to refrain from false representations of any character whatsoever, either made generally or by advertisements, concerning the financial responsibility of either the licensee or the car operator.

A motor carrier transportation agent's license is personal to the holder. He is not permitted to transfer or assign such license or to delegate his authority to employees; to do so would constitute a violation of the Motor Carrier Transportation Agent Act and subject the license to revocation.

Applicant's attention is directed to the provisions of Section 11 of the Act, and he is admonished scrupulously to comply therewith in every respect by making and keeping the records therein specified.

#### O R D E R

Public hearing having been had in the above entitled proceeding, evidence having been received, the matter having been submitted, and the Commission now being fully advised in the premises,

IT IS HEREBY ORDERED that W. B. Elfstrom be and he is hereby licensed to engage in the business or act in the capacity of a motor carrier transportation agent, as defined in Chapter 390, Statutes of 1933, as amended, at the following location, to wit, 264 East 6th Street, Los Angeles, California, to sell, offer for sale, negotiate for, furnish, or provide transportation to destinations outside the State of California only; subject to the condition, however, that he shall within sixty (60) days from

the date hereof, provide and file with the Railroad Commission a good and sufficient surety bond in the sum of one thousand dollars (\$1,000.00) in accordance with the provisions of Section 8 of said Act and in form prescribed or approved by the Railroad Commission.

IT IS FURTHER ORDERED that upon said W. B. Elfstrom filing with the Commission a surety bond as hereinabove provided, the Secretary of the Railroad Commission be and he is hereby authorized and directed to issue and deliver to said W. B. Elfstrom a certificate of the authority granted hereby.

IT IS FURTHER ORDERED that the above-described license be issued upon the condition that operations authorized thereunder shall be conducted in accordance with all applicable rules, regulations and requirements relating thereto issued by the Commission under the Motor Carrier Transportation Agent Act (Statutes of 1933, Chapter 390, as amended).

The effective date of this order shall be the date hereof.

Dated at Los Angeles, California, this 3<sup>rd</sup> day of March, 1942.

Justin F. Gaumer  
Ray S. Ripley  
H. H. Kelly  
Francis L. Hansen  
Robert R. Ketchum  
COMMISSIONERS