

ORIGINAL

Decision No. 35092

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application of)
 ROY E. WARREN for a license authoriz-)
 ing him to engage in the business, or)
 act in the capacity of, a motor carrier) Application No. 24626
 transportation agent in the City of San)
 Diego, County of San Diego, State of)
 California.)

DON PETTY, for Applicant.

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

CHARLES S. WOODS, for Santa Fe Trailways
Transportation Company, Interested
Party.

DALE JOHNSTON, for Pacific Greyhound Lines,
Interested Party.

BY THE COMMISSION:

O P I N I O N

This is an application for a license to engage in business as a motor carrier transportation agent, as defined in the Motor Carrier Transportation Agent Act, Chapter 390, Statutes 1933, as amended. A public hearing was held at San Diego before Examiner Loughran on January 9, 1942.

Applicant seeks a license to do business as such agent at 909 Seventh Avenue, in the city of San Diego. He intends to represent and to procure passengers for the owners of automobiles proposing to take an interstate automobile trip for their own private pleasure or business reasons, and who desire to carry a few fare-paying passengers along with

them to help defray the cost of their trip. He will introduce such prospective passengers to registered car owners, who will then make their own arrangements for the transportation. Applicant will charge car owners a registration fee of one dollar at the time they register with him. He will charge passengers a fee in an amount equal to twenty (20) per cent of the sum which they are requested to pay for their transportation.

This applicant has resided in the State of California for the past two and one-half months. Prior to that time he lived in Texas, where he operated a large laundry and dry-cleaning establishment. He appears to be a capable and industrious business man who fully understands the obligations of a motor carrier transportation agent, and who is qualified lawfully to discharge such obligations.

After a full consideration of all the facts of record in this matter, the Commission is of the opinion that the applicant should be licensed to operate as a motor carrier transportation agent and it will be ordered that such license 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 orders, rules and regulations of the Commission. ⁽¹⁾ It will be the

(1) Section 10, Motor Carrier Transportation Agent Act.

policy of the Commission to revoke licenses with all possible dispatch when it appears that the holder 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 personally 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; (2) 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 there 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,

(2) Section 9, Motor Carrier Transportation Agent Act.

IT IS ORDERED that Roy E. Warren 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, No. 909 Seventh Avenue, San Diego, 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 this license shall expire on December 31, 1942, subject to the provisions for renewal prescribed by the Railroad Commission; provided, however, that this license shall be inoperative and of no force or effect during any period when there shall not be in effect and on file with the Railroad Commission for said Roy E. Warren a good and sufficient surety bond in accordance with the provisions of said Section 8 of said Act and the rules and regulations of the Railroad Commission.

IT IS FURTHER ORDERED that upon said Roy E. Warren 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 Roy E. Warren 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 3rd day of March, 1942.

Justus J. Calmer
Ray R. Rixey
W. H. Kelly
Francis L. Hovener
Richard R. Locke
COMMISSIONERS