

ORIGINAL

Decision No. 35093

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 MARIE BERRYHILL WARREN for a license)
 authorizing her to engage in the)
 business, or act in the capacity of,) Application No. 24627
 a motor carrier 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. 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, as an employee of Roy E. Warren, her husband. Tourists and other occasional drivers going from the City of San Diego to points outside of the State of California in private cars may register with applicant for the purpose of securing passengers who will pay a portion of the expense of operating the private automobiles to such points. All of her activities as such agent will be as an employee of said Roy E. Warren, and will be under his supervision and direction.

This applicant is a resident of the State of California. For a period of nine years she was office manager for a large laundry and cleaning establishment located in Texas and owned and operated by her husband. Applicant has never been convicted of any felony or misdemeanor, and appears to be a law-abiding citizen.

After a full consideration of all of the facts of record in this matter, the Commission is of the opinion that applicant should be licensed to operate as a motor carrier transportation agent at 909 Seventh Avenue, San Diego, California, as an employee of Roy E. Warren and it will be ordered that such a license be issued to her.

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 Railroad Commission. ⁽¹⁾ It will be the 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 she 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

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

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 who is not permitted to transfer or assign such license or to delegate the authority so granted 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 she 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,

IT IS HEREBY ORDERED that Marie Berryhill Warren be and she 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 she 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

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

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 Marie Berryhill 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 Marie Berryhill 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 D. Cramer
Ray R. Pitzer
M. J. [unclear]
Francis R. Havener
Richard [unclear]
COMMISSIONERS