

ORIGINAL

Decision No. 35146

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 T. C. JACK BURROUGHS and WILLIAM)
 HENRY MAGUIRE for a license author-)
 izing them to engage in the business,) Application No. 24526
 or act in the capacity of, a motor)
 carrier transportation agent in the)
 City of Los Angeles, County of Los)
 Angeles, State of California.)

T. C. JACK BURROUGHS, ALFRED P. PERACCA,
and HENRY COWAN, for Applicants.

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

E. L. H. BISSINGER, for Southern Pacific
Company, Protestant.

STARR THOMAS, for The Atchison, Topeka and
Santa Fe Railway, Protestant.

JAMES GUNN, 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 each of the applicants, above named,
 seeks a license to engage in business as a motor carrier trans-
 portation agent as defined in the Motor Carrier Transportation
 Agent Act (Chapter 390, Statutes 1933, as amended). Public
 hearing was held at Los Angeles before Examiner Loughran on
 December 19, 1941. This decision is concerned only with the
 evidence in relation to the applicant, William Henry Maguire. ⁽¹⁾

(1) Protestants' motion to strike said applicant's Exhibit 2 on
 the ground that it is objectionable hearsay is hereby granted.
 Protestants' motion to dismiss this application is hereby
 denied.

Applicant Maguire seeks authority to do business as such agent at 240 East Seventh Street, Los Angeles, as a partner in the partnership of T. C. Jack Burroughs and William Henry Maguire. This applicant will have actual charge of the operation but he will work under the direction of his partner T. C. Jack Burroughs. The partnership proposes to register and procure passengers for private car owners who are going on interstate automobile trips for pleasure or business and who desire to transport a few fare-paying passengers to help defray their expenses. It will not register or sell transportation in cars operated by persons regularly engaged in the business of transporting passengers for profit. Car operators and passengers will be introduced and they may then mutually agree upon the terms and conditions of the contract of transportation. Passengers will be required to pay the partnership a fee when they are placed in contact with registered car owners, and car owners will pay a fee when their cars are registered. This service is to be limited to interstate transportation.

This applicant has been a resident of California for many years. He was in the employ of the Southern Pacific Railroad Company for ten years as Secretary-Manager of their clubhouse system. He has held other 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. He appears to be a law-abiding person who understands the obligations that he will be required to assume as a motor carrier transportation agent, and who is prepared lawfully to discharge his duties as such agent.

After a full consideration of all 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 said location, as a partner in the partnership of T. C. Jack Burroughs and William Henry Maguire, 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 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. Applicant is advised that this license authorizes him to act as a broker only, and not as a carrier. He is cautioned to refrain from acting, or from representing this license as qualifying him to act as an interstate carrier of passengers.

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. Nor is he permitted to operate under such license in a capacity different from that designated in his license. This license will authorize partnership of T. C. Jack Burroughs and William Henry Maguire. If the said partnership should be dissolved or if applicant should withdraw therefrom, this license will be of no further force or effect and, if applicant desires to continue to operate as a motor carrier transportation agent thereafter, he must procure a new license.

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,

IT IS ORDERED that William Henry Maguire 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, and as a partner in the partnership of T. C. Jack Burroughs and William Henry Maguire, at the following location, to-wit, 240 East Seventh Street, Los Angeles, California, to sell, offer for sale, negotiate for, furnish or provide transportation to be furnished by "motor carriers" as defined in said Act, 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) in accordance with the provisions of Section 8 of said Act and in form prescribed or approved by the Railroad Commission.

THE LICENSE HEREBY GRANTED 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 William Henry Maguire 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 William Henry Maguire's 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 William Henry Maguire a certificate of the authority granted hereby.

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

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

Dated at San Francisco, California, this 24th day of March, 1942.

Justin F. Cairnes
Ray H. Piny
M. H. [unclear]
Francis R. Stevens
Arthur [unclear]
COMMISSIONERS