

ORIGINAL

Decision No. 35147

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,)
or act in the capacity of, a motor)
carrier transportation agent in the)
City of Los Angeles, County of Los)
Angeles, State of California.)

Application No. 24526

T. C. JACK BURROUGH, 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 in Los Angeles before Examiner Loughran on
December 19, 1941. This decision is only concerned with the
evidence in relation to applicant, T. C. Jack Burroughs. (1)

(1) Protestants' motion to strike said applicant's Exhibit No. 4
on the ground that it is objectionable hearsay, is hereby
granted. Protestants' motion to dismiss this application is
hereby denied.

Applicant Burroughs seeks authority to do business as such agent at 240 East Seventh Street as a partner in the partnership of T. C. Jack Burroughs and William Henry Maguire. He will be the principal partner and applicant Maguire will conduct the business under his direction. Applicant Burroughs is a resident of the State of Texas where he will continue to reside even if the license, which he hereby seeks, is granted. He will make occasional trips to California when he will assist Maguire in the actual conduct of the business, and he will at all times keep in communication with Maguire for the purpose of directing his actions in partnership affairs.

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 with them to help defray 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, and now is, a resident of the State of Texas, where he is licensed to practice law. He has held the public office of Assistant District Attorney of Davis County, Texas. Since the year 1934, he has held, and he now holds, interests in Texas travel bureaus. He acts as General Counsel for the Better Travel Bureau Association, a Texas

association of persons desirous of improving travel bureau operations. 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 applicant to operate as a partner in the 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.

ORDER

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 T. C. Jack Burroughs 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 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 T. C. Jack Burroughs 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 T. C. Jack Burroughs' 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 T. C. Jack Burroughs a certificate of the authority granted hereby.

IT IS FURTHER ORDERED that the above-described license be issued upon the condition that the 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).

This order shall be effective upon the date hereof.

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

Justin F. Calver
Ray H. Perry
M. H. A. M.
Francis L. Havenner
[Signature]
COMMISSIONERS