

ORIGINALDecision No. 35156

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of Application of)
 Pryce G. Owens for license as a) Application No. 24663
 Motor Carrier Transportation Agent)

MITCHEL S. MEYBERG, for Applicant.

ORLA ST. CLAIR, for Passenger Carriers, Inc.,
Protestant.W. F. BROOKS, for Atchison, Topeka and Santa
Fe Railway and Santa Fe Transportation
Company, Protestants.JAMES GUNN, for Board of Public Utilities and
Transportation, City of Los Angeles,
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 (Stats. 1933, Ch. 390, as amended). Public hearing was had at Los Angeles before Examiner Loughran on January 21, 1942.

Applicant proposes to enter into contracts with persons going on interstate automobile trips for business or pleasure by the terms of which they will agree to transport passengers procured by applicant via a fixed route which he will select prior to their departure. Car owners will be required to agree that their cars will be devoted solely to the transportation of applicant's passengers and that they will not transport any persons other than those placed in their cars by applicant.

Deviation from the selected route can only be made with applicant's consent. Applicant will only enter into such contracts with persons whose cars he considers to be capable of completing the proposed trip. He will only contract with responsible owner-drivers and he will investigate all applicants to make certain that they are responsible. Money will be supplied by applicant to car owners while enroute to destination in the event they get into financial difficulty from which they are unable to extricate themselves.

Contracts of the character which applicant intends to enter into with car owners are, in effect, charters of their cars by applicant for exclusive use for his passengers. Applicant will inform his passengers of his arrangement with car owners and he will personally contract with them for their transportation. He apparently intends to hold himself out to the public as one, willing and able, to transport persons to interstate points, and he intends to, in fact, contract for the performance of such transportation. In substance, applicant proposes actually to go into the business of regularly transporting passengers to interstate points in cars under his control.

An operation so conducted would appear to be that of a motor carrier within the meaning of Part II of the Interstate Commerce Act ⁽¹⁾ rather than that of a motor carrier transportation agent. In order lawfully to conduct such an operation it would be necessary for applicant to secure a permit from the Interstate Commerce Commission. A license from this Commission would be insufficient.

(1) Riss and Company, Inc. Common Carrier Application No. MC 200.
Dixie-Ohio Express Company Company Carrier Application 17
MCC 735.

Since the business in which applicant intends to engage is not that of a motor carrier transportation agent within the meaning of said Act, his application will be denied.

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 the application of Pryce G. Owens for a license to operate as a motor carrier transportation agent at 240 East Seventh Street, Los Angeles, California, be and the same is hereby denied.

This order shall be effective upon the date hereof.

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

Justin J. Greener
Ray W. Riney
T. H. Baker
Francis R. Stevenson
Richard H. Baker
 COMMISSIONERS