

ORIGINAL

Decision No. 35432

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of JOSEPH BRAINERD TERALL for a) Application No. 24837
license as a Motor Carrier)
Transportation Agent.)

F. W. TURCOTTE, for applicant.

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

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. Public hearing was held at Los Angeles before Examiner Cameron on March 27, 1942.

Applicant intends to do business as such agent at 1043 West Sixth Street, Los Angeles, California. He proposes to represent casual automobile operators, consisting of persons who are making automobile trips for their own private business or pleasure purposes and who desire to defray the cost of their trip by transporting a few fare-paying passengers. Such persons may register with applicant and he will procure passengers for them. Applicant will charge the passengers a fee for his service in arranging their transportation in cars registered with them. This service will be entirely limited to interstate transportation and applicant has requested that his license be likewise limited.

Applicant, a resident of Los Angeles, is an attorney at law. In addition to engaging in the practice of this profession he has been actively associated with many kinds of business

enterprise, including the real estate business, water and power business and the oil business. He formerly resided in Jerome, Idaho, where he was City Attorney and Councilman. He appears to be familiar with the details of the business which he proposes to enter and with the obligations which he will be required to assume as motor carrier transportation agent.

After 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, and it will be ordered that such license be issued to him.

A motor carrier transportation agent's 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 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

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

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

A public hearing having been had in the above-entitled proceeding, evidence having been received, the matter having been duly submitted, and the Commission being now fully advised in the premises:

IT IS HEREBY ORDERED that Joseph Brainerd Thrall 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. 1043 West Sixth Street, Los Angeles, California, to sell, offer for sale, negotiate for, furnish or

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

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 a 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 Joseph Brainerd Thrall 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 Joseph Brainerd Thrall 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 Joseph Brainerd Thrall 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 San Francisco, California, this 2nd day of June, 1942.

Justus F. Cassen
Ray L. Riney

Richard L. Baker
COMMISSIONERS