

ORIGINAL

Decision No. 35434

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of Application of)
 ULRIC H. FORRESTER for a license)
 authorizing him to engage in the)
 business, or act in the capacity)
 of a motor carrier transportation) Application No. 24601
 agent in the City of San Diego,)
 County of San Diego, State of)
 California.)

HOLT and HERVEY by EDGAR B. HERVY,
for applicant.

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

ROBERT BRENNAN, CHARLES S. WOOD and
WILLIAM F. BROOKS, for Atchison-Topeka
and Santa Fe Railroad Company and
Santa Fe Transportation Co.,
protestants.

DALE JOHNSTON, for Pacific Greyhound
Lines, protestant.

C. A. HODEEMAN, for San Diego Chamber
of Commerce, 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 of
1933, as amended). Public hearing was held at San Diego before
Examiner Loughran on December 15, 1941, January 19 and 20, 1942.

Applicant desires to do business as such agent at 845
Fourth Street, San Diego, California. He proposes to represent
and procure passengers for persons who are making interstate
automobile trips for business or pleasure and who desire to
defray the cost of their trip by transporting a few fare-paying

passengers: Applicant will not represent or procure passengers for any person who is regularly engaged in the business of transporting passengers for profit. The car owners and the 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 applicant a fee when they are placed in contact with registered car owners. This service is to be limited to interstate transportation and applicant has requested that his license be subject to a like limitation.

Applicant is a resident of San Diego where he was employed for six years as an automobile salesman. His former employer testified that his services in this capacity were entirely satisfactory and that he has a good business reputation.

In May of 1941, applicant opened a travel bureau in San Diego and engaged in business as a Motor Carrier Transportation Agent without a license. He continued this business until September 11, 1941, when he was informed by a representative of the Railroad Commission that his operations were unlawful unless he procured a license from the Railroad Commission. He testified that he thereupon closed his place of business and that he at no time thereafter operated as a Motor Carrier Transportation Agent.

The building located at 845 Fourth Avenue, San Diego, has been under lease to applicant since August 1941. A San Diego police officer testified that on December 3, 1941, he was informed that a travel bureau was being operated by an unlicensed person at this address. He went to the location for the purpose of investigation. When he arrived the establishment was closed. He

entered the premises, found some automobile load sheets and a book of passenger receipts which were introduced in evidence. These documents apparently record the transactions of a Motor Carrier Transportation Agent consummated during the period November 23, 1941 to November 29, 1941. All of the passenger receipts except two were issued by a man named Miller. Two of the receipts were issued by a person signing the name "Harlo Forrester."

Applicant testified that he was in Texas during the period covered by these records and that the signature "Harlo Forrester" appearing on the receipts was not his. He stated that he had not authorized anyone to use this location and that if a travel bureau had been operated there during the period covered by the records the operator was using the location without applicant's knowledge or consent and during a time when applicant was out of the state.

After a full consideration of all of 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, 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.

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.

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 Ulric E. Forrester 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; 845 Fourth Street, San Diego, California to sell, offer for sale, negotiate for, furnish, or provide transportation to be furnished by motor carriers, as defined in Chapter 390, Statutes of 1933, as amended, 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 Ulric H. Forrester 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 Ulric H. Forrester 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 Ulric H. Forrester 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 2nd of
June, 1942.

Walter F. Cooney
Ray L. Rice

Richard Washburn
COMMISSIONERS