

Decision No. 37502

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
RAY HERNDON for a license as Motor) Application No. 26304
Carrier Transportation Agent.)

JESSE R. SWAN, for applicant.

HAROLD P. HULS, City Attorney of Pasadena, by
H. BURTON NOBLE, Assistant City Attorney,
for the city of Pasadena, interested party.

C. C. JENSEN, for Pacific Greyhound Lines,
protestant.

W. F. BROOKS, by C. C. JENSEN, for Santa Fe
Transportation Company, protestant.

BY THE COMMISSION:

O P I N I O N

This is an application by Ray Herndon, doing business as Share Plan Travel Bureau, for a license to engage in the business of a motor carrier transportation agent, as defined in the Motor Carrier Transportation Agent Act (Chap. 390, Stat. 1933, as amended). A public hearing was held by Examiner Gannon in Pasadena on September 29, 1944.

Applicant resides in Pasadena, is forty-five years of age, and apparently bears a good reputation in the community. For nine years he has been employed as engineer in charge of the heating plant at the California Institute of Technology.

He proposes to do business as such agent at 40 South Los Robles Avenue in the city of Pasadena. The service proposed to be rendered consists in bringing prospective passengers desiring transportation between two points in the state in contact with the owners

or drivers of privately owned automobiles who desire to provide such transportation.

The application was protested by Pacific Greyhound Lines and Santa Fe Transportation Company on the ground that applicant had had no experience in transportation matters.

After full consideration of all the facts of record in this matter the Commission is of the opinion and finds that applicant should be licensed to operate as a motor carrier transportation agent between points within the State of California.

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 advertisements, concerning the financial responsibility of either the licensee or the car operator.

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

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 another; to do so would constitute a violation of the Motor Carrier Transportation Agent Act and subject the license to revocation. (2)

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 ORDERED that Ray Herndon be and he hereby is licensed to engage in the business or act in the capacity of a motor carrier transportation agent, as defined in Chapter 390, Statutes 1933, as amended, only at the following location, to wit: 40 South Los Robles Avenue, Pasadena, California; to sell, offer for sale, negotiate for, furnish or provide transportation to destinations within 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 a form prescribed or approved by the Railroad Commission.

IT IS FURTHER ORDERED that this license shall expire on

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

December 31, 1944, 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 Ray Herndon 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 Ray Herndon 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 Ray Herndon 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 1933, Chapter 390, as amended).

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

Dated at San Francisco, California, this 28th day of November, 1944.

Richard L. Lach
Justin J. Quinn
Francis J. Hawes
Ernest Olson
W. S. Powell
COMMISSIONERS