

Decision No. 37783

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

ORIGINAL

In the Matter of the Application of)
JOSEPH J. McNICHOLAS for a license as) Application No. 26555
Motor Carrier Transportation Agent.)

JOSEPH J. McNICHOLAS, applicant, in propria
persona.

A. R. PICKET, for Pacific Greyhound Lines,
protestant.

ROBERT W. WALKER, for Santa Fe Trail Transpor-
tation Company and The Atchison, Topeka
& Santa Fe Railway Company, protestants.

F. R. DIETZ, for Interstate Transit Lines,
protestant.

BY THE COMMISSION:

O P I N I O N

In this application Joseph J. McNicholas requests 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). He proposes to conduct the business under the fictitious name of Long Beach Travel Bureau. A public hearing was held by Examiner Gannon in Los Angeles on March 20, 1945.

Applicant resides in Long Beach and for the past eighteen months has been employed as timekeeper for the California Shipbuilding Corporation at Terminal Island. Prior to that he had been engaged in business on his own account in Chicago. He is 48 years of age and a graduate of Armour Institute where he specialized in industrial engineering.

Testifying in his own behalf, applicant stated that he proposed to do business at 122 West 1st Street, Long Beach. The service which he would render consists in bringing prospective passengers, desiring transportation between two points in California, in contact with the owners or drivers of privately owned automobiles who are willing and able to provide such transportation.

By virtue of the fact that he is an ex-serviceman, he claims to be familiar with the transportation needs of men employed at the shipbuilding plants in the vicinity of Long Beach. In his opinion, large numbers of such employees are now, and will subsequently be, quitting their employment and moving to other points in the state. It is to provide transportation for this class that he undertakes to initiate this service.

He will advertise in the newspapers and resort to such other means of publicity as may bring his service to the attention of prospective passengers and drivers. No estimate has been made by him as to the probable number of passengers, revenue, or profits of his enterprise, except that he thought he would gross \$50 per week with expenses of \$15.

The application was protested by Pacific Greyhound Lines, Santa Fe Trail Transportation Company, The Atchison, Topeka & Santa Fe Railway Company, and Interstate Transit Lines, but cross-examination of the witness was perfunctory and failed to develop any tangible objection to the proposed service.

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.

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.

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 Joseph J. McNicholas 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: 122 West 1st Street, Long Beach, 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 December 31, 1945, 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 J. McNicholas 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 J. McNicholas 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 J. McNicholas 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 twenty (20) days from the date hereof.

Dated at San Francisco, California, this 10th
day of April, 1945.

Harold Anderson
Justus J. Casper
Richard K. Kasper
Harold E. Kasper
Frank J. Kasper
COMMISSIONERS