

Decision No. 38188**ORIGINAL**

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application of)
 GORDON ZANE for a license as Motor) Application No. 26827
 Carrier Transportation Agent.)

R. J. WELCH, JR., for applicant.

RUSSELL A. SMITH, for Santa Fe Transportation
Company, protestant.F. B. GIERHART, for Overland Greyhound Lines,
protestant.

BY THE COMMISSION:

O P I N I O N

In this application Gordon Zane is requesting 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 before Examiner Cannon at Riverside on August 14, 1945.

Applicant's occupation, generally, has been that of an automobile salesman, although during his four years' residence in Riverside from 1941 to 1945 he has been engaged as a taxicab driver. He is 49 years of age, a citizen of the United States, and a veteran of World War I, subsequent to which he held civilian positions at Camp Haan and March Field. At present he is employed by the Army as a fire fighter.

Testifying in his own behalf, applicant stated that he proposed to do business at 3591 - 13th Street, Riverside. His

(1) In Application No. 26828 authority is sought to conduct a similar business in Riverside at the same address.

method of operating is similar to that generally followed by those engaged in "share-the-ride" transportation. He would advertise in local newspapers and such other media of publicity as would tend to bring individuals desiring transportation between two points in California into contact with the owners or drivers of private automobiles. For this service he would charge a fee which, together with the fare to be charged, has not yet been determined. Before signing up passengers applicant would examine the equipment of the car and would assure himself as to the dependability of the driver. Applicant testified that he had made a study of the type of operation in which he proposes to engage and that there will be a demand for transportation service of this kind following the termination of the war.

The granting of the application was protested by Santa Fe Transportation Company and Overland Greyhound Lines. Both protests were based upon the assumption that the service offered by applicant would be in competition with that offered by protestants. However, the record herein does not indicate that the proposed service, if established, would materially affect protestants.

After full consideration of all the facts of record in this matter, the Commission is of the opinion and hereby 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 Gordon Zane 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: 3591 - 13th Street, Riverside, 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 Gordon Zane 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 Gordon Zane 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 Gordon Zane 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 12th day of September, 1945.

Harold Ruden
Justin F. Calver
Frank W. [unclear]
Earl [unclear]
COMMISSIONERS