

Decision No. 38362

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of REX WHITE for a license as) Application No. 26908
Motor Carrier Transportation Agent.)

WILLIAM A. SHERWIN, for applicant.

WM. F. BROOKS, for The Atchison, Topeka & Santa
Fe Railway Company, Santa Fe Transportation
Company, and Pacific Greyhound Lines,
protestants.

J. R. BRITTON, for All American Bus Lines, protestant.

EDWARD C. RENWICK, for Union Pacific Railroad Company
and Interstate Transit Lines, protestants.

JAMES GUNN, for Board of Public Utilities and Trans-
portation of the City of Los Angeles,
interested party.

BY THE COMMISSION:

O P I N I O N

This is an application of Rex White for a license to engage in the business of a motor carrier transportation agent, as defined in the Motor Carrier Transportation Agent Act (Chapter 390, Statutes 1933, as amended). A public hearing was held by Examiner Gannon in Los Angeles on October 8, 1945.

Applicant is forty-five years of age and for several years prior to 1944 was employed by Pony Express Stages and All American Bus Lines as superintendent of maintenance. He proposes to conduct the business of motor carrier transportation agent at 2251 West Pico Street, Los Angeles, under the name of U. S. Auto Travel.

The application is somewhat vague in its language as to the method to be used by applicant in organizing and carrying on the business. His testimony, however, corrects this weakness to some extent. He would advertise in the newspapers and other media of publicity, and would undertake, as far as possible, to insure delivery of passengers at their destination. Prospective riders would register at his office and he would follow the usual course to put them in touch with the drivers of the vehicles. He testified that he would use the utmost care in examining equipment and inquiring into the fitness of drivers. Fares will be a matter of agreement between the respective parties, and his compensation would be a certain percentage of such fares.

We find from this record that applicant is qualified, by experience and character, to engage in the business which he seeks to initiate, and that a license should be granted him for that purpose. The order which follows will be in accordance with such finding.

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 is 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.

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

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 another; ⁽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 ORDERED that Rex White 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 1935, as

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

amended, only at the following location, to wit: 2251 West Pico Street, Los Angeles, 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 Rex White 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 Rex White 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 Rex White 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 Los Angeles, California, this 30th day of October, 1945.

David Anderson
Justus F. Lawrence
Frank Clark

Justus F. Lawrence
Commissioners