

ORIGINAL

Decision No. 38364

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
FRANK L. WHITESIDE, for a license as)
Motor Carrier Transportation Agent.)

Application No. 26958

FRANK L. WHITESIDE, in propria persona.

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

E. C. RENWICK, for Interstate Transit Lines,
protestant.

E. W. HIVELY, for Board of Public Utilities and
Transportation of the City of Los Angeles,
interested party.

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

BY THE COMMISSION:

O P I N I O N

This is an application of Frank L. Whiteside for a license to engage in the business of a motor carrier transportation agent, as defined in the Motor Carrier Transportation Agent Act (Statutes 1933, Chapter 390, as amended). A public hearing was held before Examiner Gannon at Los Angeles on October 9, 1945.

Applicant is forty-four years of age and his occupation generally during the past five years has been that of a bus driver, ticket seller and operator of so-called travel service clubs. He explained his proposed service by stating that he expected to conduct the business in such a manner as to bring together prospective passengers desiring transportation between two points in California and owners or drivers of privately owned automobiles who desire to provide such transportation.

Applicant's testimony was vague with respect to the manner in which he proposed to carry on the business. For example, he would charge a fee of from two to five dollars for his services, but testified further that he would collect as much as the passenger would be willing to pay. The record shows that applicant had borrowed \$3,800 from one Petro to assist him in financing the venture. No security was demanded of applicant, nor did he sign a note as evidence of the indebtedness. The testimony is to the effect that applicant will ostensibly run the business, but that the guiding hand will be that of Petro. With money invested in the proposed service, and with applicant operating from the same address from which Petro conducts a trucking service of his own, it is difficult to understand how applicant would be able to operate individually and independently. In fact, applicant testified that should the venture not prove successful, "Petro can take the business over."

This method of conducting the business would inevitably bring the applicant in conflict with Sections 3 and 9 of the Act, which provide that each person acting as a motor carrier transportation agent must be individually licensed therefor, and that each license so issued is personal to the licensee, and that no other person is authorized to do any act for which the license is issued.

Under the circumstances, and in view of applicant's testimony, we find that the application for a license as motor carrier transportation agent should not be granted, and the order herein will be in accordance with that conclusion.

O R D E R

Public hearing having been held in the above entitled proceeding, evidence having been received, the matter having been submitted, and the Commission being fully advised,

IT IS ORDERED that the application of Frank L. Whiteside for a license to operate as a motor carrier transportation agent at Los Angeles, be and the same is hereby denied.

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

Dated at Los Angeles, California, this 30th day of October, 1945..

Harold Anderson

Justin D. Caswell
Frank A. Davis

W. H. Powell