

Decision No. 38365

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
ISADORE BERMAN for a license as) Application No: 26930
Motor Carrier Transportation Agent.)

ORIGINAL

F. W. TURCOTTE, for applicant:

WM. F. BROOKS, for the Atchison, Topeka & Santa Fe
Railway Company, Santa Fe Transportation
Company, and Pacific Greyhound Lines, pro-
testants:

J. R. BRITTON, for All American Bus Lines; pro-
testant:

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

JAMES GUNN, for Board of Public Utilities and
Transportation of the city of Los Angeles,
interested party:

BY THE COMMISSION:

O P I N I O N

In this application Isadore Berman requests 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 before Examiner Gannon at Los Angeles on October 8, 1945.

Applicant is forty-six years of age and for the past two years has been employed by Yellow Cab Company as a taxicab driver. Prior thereto he worked for the California Shipbuilding Corporation as a painter. He proposes to make his headquarters in the lobby of the Tahoe Hotel, 1943 West 6th Street, Los Angeles, and will operate under the name of Coast to Coast Auto Travel:

Testifying in his own behalf applicant stated that he would adopt the usual means of bringing prospective passengers in contact with car drivers. Registration of both passengers and drivers would be required. His fees would be derived from a percentage of the fares collected by the drivers, and he would "guarantee" delivery of passengers at their destination. He had no knowledge as to the revenue or operating expense of the proposed service, but in this regard his situation is no different than that of the majority of applicants for share-the-ride licenses. He testified that from 1924 to 1929 he owned and operated a fleet of taxicabs, and that he had had a wide experience in taxicab operation. The application recites that applicant was arrested five times on charges of playing poker with fellow employees of the Yellow Cab Company in Los Angeles. The usual penalty was a fine of five dollars.

Giving full consideration to the facts of record we are satisfied that the applicant is a fit and proper person to be licensed as a motor carrier transportation agent between points within the state of California, as we so find.

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. 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.

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; 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.

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

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

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 Isadore Berman 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 1933, as amended, only at the following location, to-wit: Tahoe Hotel, 1943 West 6th 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 (\$1000) 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 Isadore Berman 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 Isadore Berman 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 Ieadore Berman 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.

Harold Rudin
Justus F. Casper
Francis Dent

Wesley Lawrence
COMMISSIONERS