

Decision No. 38386

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
MARGIE L. HIGSMITH for a license) Application No. 26906
as a Motor Carrier Transportation)
Agent.)

F. W. TURCOTTE, for applicant.

WM. F. BROOKS, for The Atchison, Topeka & Santa Fe
Railway Company, Santa Fe Transportation
Company, Pacific Greyhound Lines, All American
Bus Lines, Inc., Union Pacific Railroad Company,
and Interstate Transit Lines, protestants.

J. F. DU PAUL, City Attorney of San Diego, by EDWARD
H. LAW, Deputy, protestant.

BY THE COMMISSION:

O P I N I O N

By this application Margie L. Highsmith requests a license permitting her 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 Cannon at San Diego on October 10, 1945.

Applicant is a retired woman, 58 years of age. She proposes to operate the service from the lobby of the Senator Hotel at 105 West F Street in the city of San Diego, under the name of "National Travel Club".

The application states that applicant would advertise to apprise the public that passengers desiring to travel to intrastate and interstate points from San Diego and vicinity might make arrangements for such trips through her bureau. Her attention being

directed to the fact that the Commission's jurisdiction does not extend to the licensing of applicants proposing to do an interstate business of this character, her testimony was confined to an alleged need for intrastate service.

Her compensation would be derived from a charge of 25 per cent of the amount collected by the car owners or drivers. She would hire a mechanic to inspect cars in which such trips would be made, and her testimony was to the effect that she would "guarantee" safe arrival of passengers at their destinations in case of accident or breakdown. This would seem to be a hazardous undertaking in cases where the distances were great, and considering the expense that might accrue to the individual passengers en route. Asked as to her financial ability, she testified that she had made arrangements with a friend to help in the financing but stated that the friend was not now residing in California.

The application was protested by various common carriers operating within the state and by the police department of the city of San Diego. The testimony of two police officers was that in their opinion applicant was not a fit and proper person to be granted a license to operate as a motor carrier transportation agent.

The applicant has had no experience that would fit her for the type of business which she proposes to conduct. In response to many vital questions as to her method of conducting the business, her reply invariably was "I will do whatever the law requires me to do". Her testimony was evasive and uncertain regarding the elementary requirements for the conduct of the proposed service. She would be under the serious handicap of attempting to

carry on a business affecting the public, and of which she had absolutely no knowledge and in which she has had no experience.

After a full consideration of the facts of record in this matter the Commission is of the opinion and finds that applicant should not be granted a license to operate as a motor carrier transportation agent, and the application will be denied.

ORDER

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

IT IS ORDERED that the application of MARGIE L. HIGHSMITH for a license to operate as a motor carrier transportation agent be and it hereby is, denied.

The effective date of this order shall be 20 days from the date hereof.

Dated at San Francisco, California, this 13th day of November, 1945.

A. Harold Rudman
Justus P. Craven
Ernest W. Clark

Lois M. Powell
COMMISSIONERS