

ORIGINAL

Decision No. 28540

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)  
EMILY P. HARLOW, for a license as )  
motor carrier transportation agent.)

Application No. 27053

H. M. DOUGHERTY, for applicant.

RUSSEL A. SMITH, for Santa Fe Transportation Company,  
protestant.

A. R. PICKETT, for Pacific Greyhound Lines and  
Overland Greyhound Lines, protestants.

J. A. MURATEE, for Santa Fe Trailways, and Burlington  
Trailways, protestants.

BY THE COMMISSION:

O P I N I O N

Emily P. Harlow has filed an application in which she 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).<sup>(1)</sup> Public hearing in the matter was held by Examiner Cannon in Riverside on November 28, 1945.

Emily P. Harlow, according to her testimony, has been employed by the Southern California Gas Company for the past two years, previous to which she was associated with Mission Limousine Service, and also as owner and manager of a household appliance business.

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(1) The applicant is the wife of Clarence Eldred Harlow, who is the applicant in Application No. 27054. The testimony indicates, however, that there is no business partnership arrangement, either existent or contemplated, to operate as motor carrier transportation agents.

In the conduct of the business for which she is seeking a license she testified that she would have recourse to the usual methods of advertising, principally in newspapers. She will seek to bring prospective passengers and car drivers together for the purpose of arranging details of the trips. The business will be conducted from headquarters to be established at 467 - 3rd Street, San Bernardino, under the name of "Auto Travel Bureau". Her compensation will be derived from the amount paid the driver by each passenger, on a basis of approximately 20 per cent of such fares. She testified that the business for which she is here seeking a license will be conducted independent of the limousine business and from a different address.

It appears from this record that applicant should be granted a license under the Motor Carrier Transportation Agent Act to operate as a motor carrier transportation agent between points within the state of California, and the following order will so provide.

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. (2) 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 she exercises no control over the operation of the vehicle in

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

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. She is not permitted to transfer or assign such license, or to delegate her 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 she is admonished scrupulously to comply therewith in every respect by making and keeping the records there specified.

#### ORDER

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 Emily R. Harlow be and she is hereby licensed to engage in the business or act in the capacity of a motor carrier transportation agent, as defined in the Motor Carrier Transportation Agent Act (Chapter 390, Statutes 1933, as amended), only at the following location, to-wit; 467 - 3rd Street, San Bernardino, California; to sell, offer for sale, negotiate for,

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

furnish, or provide transportation to destinations within the state of California only, subject to the condition, however, that she 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, 1946, subject to the provisions for renewal prescribed by the Railroad Commission; provided, however, that her 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 Emily P. Harlow 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 Emily P. Harlow 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 Emily P. Harlow 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 21<sup>st</sup> day of December, 1945.

Harold Culver  
Justin F. Craven  
Franklin  
James H. Luce  
Harold P. Huls  
COMMISSIONERS