

Decision No. 38547

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
CLARENCE ELDRED HARLOW for a license) Application No. 27054
as motor carrier transportation agent.)

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. MURATET, for Santa Fe Trailways, and Burlington
Trailways, protestants.

BY THE COMMISSION:

O P I N I O N

In this application Clarence Eldred Harlow applies 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)⁽¹⁾. A public hearing was held by Examiner Gannon in Riverside on November 28, 1945.

The applicant is 44 years of age. His occupation during the past five years has been in connection with his ownership and management of the Mission Limousine Service, and as a steam-fitter in defense work. More recently he has been engaged as collector for a gas company. The limousine service is a certificated on-call operation between March Field and Riverside and San Bernardino, primarily for the transportation of soldiers.

(1) The applicant is the husband of Emily P. Harlow who has filed in her own behalf Application No. 27053. No partnership arrangement exists or is contemplated.

Testifying in his own behalf, applicant asserted that he had investigated the possibilities in connection with the service he proposed and that he was satisfied it could be built into a permanent and profitable business.

He will operate from 467 - 3rd Street, San Bernardino, where he will maintain an office, and advertise in newspapers and through other media of publicity. His activities will be directed towards bringing prospective passengers into contact with car owners or drivers who are going from San Bernardino to any other point within the State, and who desire to share the expense of such trip. In case of breakdown while en route, applicant stated he would see that passengers were either delivered to their destinations or returned to place of departure. For his services as such agent he expected to charge a fee which would approximate 20 per cent of the amount collected from each passenger by the driver. His operation will be conducted under the name of "Auto Travel Bureau".

From the record herein we find that applicant should be granted a license to operate as a motor carrier transportation agent between points within the state of California, and the 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

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

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.

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:

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

IT IS ORDERED that Clarence Eldred Harlow 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 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, 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, 1946, subject to the provisions for renewal prescribed by the Railroad Commission; provided, however, that his 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 Clarence Eldred 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 Clarence Eldred 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 Clarence Eldred 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 21st day of December, 1945.

Harold Rubin
Justice J. Cameron
Frank W. Clark
James H. Lawrence
Harold P. Hula
COMMISSIONERS