

ORIGINAL

Decision No. 38565

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
PHIL T. FRYOR for a license as motor) Application No. 27092
carrier transportation agent.)

PHIL T. FRYOR, in propria persona.

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

BY THE COMMISSION:

O P I N I O N

The application herein is filed by Phil T. Fryor and 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 by Examiner Cannon in Los Angeles on November 30, 1945.

Applicant gives his residence as 251 South Hill Street, Los Angeles and proposes to establish his office at that address. During the five years immediately preceding the filing of this application he has been engaged, for the most part, in commercial fishing and the transportation of trailers. Since September of this year he has operated a servicemen's transportation bureau at the above address. He has entered into a copartnership arrangement with J. O. Cannon who holds a license as motor carrier transportation agent from this Commission. ⁽¹⁾ For his interest in such copartnership he has agreed to pay Cannon \$1,500, of which \$1,000 has been paid, leaving a balance due of \$500. His testimony generally was to the effect

(1) Decision No. 38363, dated October 30, 1945.

that he would endeavor to bring the prospective passengers in contact with the car owner or driver, and for this service he would charge a nominal fee, approximately \$5. He has had several requests from service men and others for this type of transportation. His methods of advertising are similar to those generally employed by licensed operators. The applicant further testified that in case of mishap or breakdown he would wire funds to passengers to continue on to their destination.

From this record it appears that applicant is qualified by experience and ability to operate the service which he proposes to render, and a license will be granted him to engage in the business of a motor carrier transportation agent between points within the state of California.

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 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

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

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:

IT IS ORDERED that Phil T. Pryor 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: 251 South Hill 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

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

of one thousand dollars (\$1,000) 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 Phil T. Pryor 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 Phil T. Pryor 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 Phil T. Pryor 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, December 28, 1945.

Edward C. Quinn
Justice J. Quinn
Francis J. Cron
James P. Powell
Harold P. Hull
 COMMISSIONERS