

Decision No. 39095

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
HORACE SEVANUS AUSTELL for a license ) Application No. 27306  
as motor carrier transportation agent.)

- HORACE S. AUSTELL, in propria persona.
- A. R. PICKETT, for Pacific Greyhound Lines and Overland Greyhound Lines, protestants.
- RUSSELL A. SMITH, for Santa Fe Transportation Company and The Atchison, Topeka & Santa Fe Railway Company, protestants.
- E. W. HIVELEY, for the Board of Public Utilities and Transportation of the City of Los Angeles, interested party.

O P I N I O N

This is an application of Horace Sevanus Austell for a license to engage in the business of a motor carrier transportation agent, as defined in the Motor Carrier Transportation Agent Act (Ch. 390, Stats. 1933, as amended). Public hearing in the matter was held at Los Angeles by Examiner Gannon on June 6, 1946.

Applicant is 26 years of age and since October 1944 has been operating an interstate travel service at 130 Pacific Street, Long Beach, California. Prior thereto he was employed by North American Aviation Company and Consolidated Aircraft Corporation. While in the armed service he was connected with the United States Army Air Corps and was previously employed by the Department of Street Railways in Detroit and testified that he had never engaged in intrastate service but sought to do so now so that he may operate between points within the State of California. His proposed plan of operation is similar to that employed by "Share the Expense" operators and his fees for the service he renders would approximate 25 percent of the fares charged by the car driver or owner.

The record herein justifies the granting of a license to applicant and it will be so ordered.

O R D E R

A public hearing having been held 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 Horace Sevanus Austell 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 (Ch. 390, Stats. 1933, as amended), only at the following location, to-wit: 130 Pacific Street, Long Beach, California; to sell, offer for sale, negotiate for, furnish or provide transportation to be furnished by motor carriers, as defined in Chapter 390, Statutes 1933, as amended, subject to the condition, however, that he shall, within 60 days from the date hereof, provide and file with the Railroad Commission a good and sufficient surety bond in the sum of \$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 Horace Sevanus Austell 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 Horace Sevanus Austell 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 Horace Sevanus Austell 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 (Ch. 390, Stats. 1933, as amended).

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

Dated at San Francisco, California, this 18<sup>th</sup> day of June, 1946.

David Rubin  
Justus J. Casper  
Frank W. Clark  
Joseph H. Powell  
Harold A. Felt  
COMMISSIONERS