

ORIGINAL

Decision No. 39681

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
JOHN JOSEPH SHEA for a license as a) Application No. 27821
motor transportation broker.)

GARDINER JOHNSON, for applicant.

O P I N I O N

In the above entitled application John Joseph Shea requests a license authorizing him to engage in the business of a motor transportation broker pursuant to Chapter 705, Statutes of 1935.

A public hearing was held by Examiner Gannon at San Francisco on October 21, 1946, and the matter was submitted. No one appeared in protest to the granting of the application.

The applicant has, according to the record, complied with the essential routine statutory requirements in connection with motor transportation broker proceedings in that he has prepared and filed an application, surety bond, list of carriers and letters of authority from the carriers designating him as their duly authorized transportation representative.

He proposes to act as intermediary between the public and the carriers to sell, or offer for sale, or negotiate for or holds himself out as selling, furnishing and providing transportation on the public highways of this State, when such transportation is furnished, or offered or proposed to be furnished by a motor carrier as defined in the Motor Transportation Broker's Act (Chapter 705, Statutes 1935). No carriers other than those from whom a proper letter of authority has been received will be

represented.

The method of operation, and the duties, responsibilities and obligations of a motor transportation broker, are fully described in the testimony of applicant. He is an employee of Common Carriers' Auxiliary Corporation, an organization designed to aid independent truckers, to direct the picking up, billing and collecting, and taking care of insurance and bookkeeping matters, and acting as agent for them in soliciting freight. He would represent both truckers and shippers, charging the former a fee of \$25 per month for the services of bookkeeping, billing and collecting, with no charge against the shippers, who merely contact the Corporation and advise him that they have certain commodities to ship. The service to the truck owner or operator would assist them in obtaining orders or contracts for the hauling which he would turn over to the trucker.

The testimony of applicant shows that from 1937 to 1941 he attended the University of California, and for the next two years was employed by the Federal Bureau of Investigation. From 1943 to 1946, he was connected with the United States Coast Guard, and during the first six months of the current year he served as Claims Adjuster for the California State Automobile Association.

He proposes to conduct his activities from a branch office of the Common Carriers' Auxiliary Corporation at Brisbane, California, which will be under the joint management of applicant and Bernard A. Gjerdrum, the latter being an applicant for a motor transportation broker's license in Application No. 27822.

It appears from the record that applicant has arranged to represent seventeen carriers, all of whom hold either radial

highway common carrier or highway contract carrier permits.

The record herein shows that the applicant is qualified to act as a motor transportation broker and that a license authorizing him to so act should be issued.

O R D E R

A public hearing having been held in the above entitled proceeding, the matter having been duly submitted and the Commission being fully advised in the premises,

IT IS ORDERED that the application of John Joseph Shea for a license as a motor transportation broker, as defined in Chapter 705, Statutes of 1935, be and it hereby is granted, and that such license be issued to said John Joseph Shea subject to the following conditions:

1. That said licensee shall keep his respective license certificate as motor transportation broker open at all times to public inspection.
2. That said licensee shall do business as a motor transportation broker only at the location set forth in his application for a license and for the motor carriers hereinafter named, or for whom he may hereafter from time to time be permitted to do business by any subsequent order or orders of the Commission.

IT IS FURTHER ORDERED that the license of said applicant shall authorize him to sell, offer for sale, negotiate for, furnish, or provide and hold himself out to sell, negotiate for, furnish, or provide transportation of property over the public highways of this State to be furnished only by the carriers whose names, addresses and permit numbers follow, to-wit:

<u>NAME</u>	<u>ADDRESS</u>	<u>PERMIT NO.</u>
Donald H. Baldwin	910 Tilton Avenue San Mateo, Calif.	R-41-784
A. C. Waltner dba B & V Transport Co. Inc.	25-69 Polk Street San Francisco	R-12-828
T. M. Wood dba B & W Transfer Co.	307 Cortland Avenue San Francisco	R-38-4074 C-38-4075
Kenneth H. Keith	1925 - 18th Street San Francisco	R-38-4239
C. L. Scobee	Brisbane Auto Court Brisbane, Calif.	R-41-761
Fred W. Meyers	1536 - 15th Street San Francisco	R-38-3516
Beaver Transfer & Storage Co.	215 No. Alameda Compton, California	R-19-21864 R-19-21865
Frank Newman	1858 McAllister Street San Francisco	R-38-3659 C-38-3660
Everett Miles dba Everett Miles Hauling	1506 Great Highway San Francisco	R-38-3974
C. C. Hathorn	334 Divisadero Street San Francisco	R-38-4302 C-38-4303
W. C. Morse dba Morse & La Torre	336 Castro Street San Francisco	R-38-4278
C. Mang dba Mang & Nevers	526 Silver Avenue San Francisco	R-38-4102 H-38-4103 C-38-4104
Glenn W. Gough	179 Alhambra Street San Francisco	R-38-4241
Duso Van and Storage	1335 South Van Ness San Francisco	R-38-4067 C-38-4068
William E. Weatherford dba Ford Van & Storage	8071 Beverly Boulevard Los Angeles, Calif.	R-19-16519 C-19-16520
J. C. Flores	1630 Boahr Avenue Artesia, Calif.	R-19-28311
H. G. Dilworth	1862 McAllister Street San Francisco	R-38-4272
Eugene G. Ferguson	Rt. 1, Box 414 Colma, Calif.	R-41-670

IT IS FURTHER ORDERED that the Secretary of the Commission issue and deliver to said applicant a license certificate as such motor transportation broker in the form heretofore adopted by the Commission for such license certificate, and subject to the conditions hereinabove specified.

The effective date of this order shall be the date hereof.

Dated at San Francisco, California, this 32nd day of December, 1946.

Harold H. Hule
Justice J. Callahan
Frank D. ...
W. H. Powell
R. J. ...
 COMMISSIONERS