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Decision No. 13964

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

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ORIGINAL

In the Matter of the Application of)
PIETRO RICCOMINI and RICARDO TUNZI,	:
for certificate of public convenience	:
and necessity to operate an automobile) Application No. 9905
truck, service between the cities of	:
San Francisco, on the North, and the	:
Cities or Towns of Salinas, Gonzales,)
Soledad and Kings City, on the South.)

Emilio Lastreto for Applicant.
 Harry A. Encell and James A. Miller by
 Harry A. Encell for Bell & Griffin, Protestants.
 Ed Stern for American Railway Express Company,
 Protestant.
 L. N. Bradshaw for Southern Pacific Company,
 Protestant.
 Fred McCurger for Salinas Chamber of Commerce, Pro-
 testant.

SEAVEY, Commissioner:

O P I N I O N

In this proceeding Pietro Riccomini and Ricardo Tunzi, co-partners, apply for a certificate of public convenience and necessity authorizing the operation of an automotive truck line as a common carrier of freight between the City of San Francisco on the one hand and the Cities of Gilroy, San Juan, Salinas, Gonzales, Soledad and Kings City and intermediate points on the other.

The application was subsequently amended to extend the southern terminus to King City and to eliminate the towns of Gilroy and San Juan. In view of the elimination of Gilroy and San Juan the protest of Bell and Griffin was withdrawn.

The application, as amended, sets forth that the applicants propose to dispatch a truck leaving King City at 3:30 p.m. arriving at San Francisco at 7:45 a.m., the principal commodity proposed to be transported north, consisting of cheese manufactured at various farms or dairy ranches located between King City and Soledad. Applicants propose to leave San Francisco at 8:00 a.m. arriving in King City at 7:30 p.m. and to transport on the return trip groceries and various other merchandise together with empty containers. The equipment to be used is one Garford motor truck of 2½-ton capacity together with a trailer of 2½ to 3½-ton capacity. Rates to be charged are as more fully set forth in Exhibit "A" accompanying the application herein.

A public hearing upon the above entitled application was held before Commissioner Seavey on August 8, 1924, at San Francisco at which time the matter was submitted and it is now ready for decision.

In support of the application several witnesses were produced among them being one of the applicants, Ricardo Tunzi, who testified, in effect, that he had been already operating between points hereinabove named engaging in the transportation of cheese collected at various farms in the Salinas Valley and transported to commission or wholesale houses in the City of San Francisco; that it was his belief that two trips per week would be sufficient to take care of this business, but that he desired a certificate that he may also engage in the transportation of commodities such as groceries and other merchandise southbound. He further testified that he had no interest whatsoever in the equipment proposed to be operated but that should the certificate be granted the co-partnership would purchase the equipment as set forth in

Exhibit "C" attached to the application.

In addition to the witness above mentioned applicants produced several additional witnesses engaged in the wholesale grocery business in the City of San Francisco. Such witnesses testified solely to the convenience of the service of applicant in the transportation of fresh cheese from King City-Soledad region to their places of business in San Francisco, laying particular emphasis upon the fact that in the handling of this fresh cheese by applicant it reached their places of business in far better condition than when handled by any other means of transportation. In effect, their testimony is conclusive that there is a necessity for the operation of applicants' trucks for the transportation of fresh cheese when collected as is now done from various ranches and dairy farms to San Francisco. However, this class of transportation taken by itself does not require a certificate of public convenience and necessity from the Commission in that the amendment to Section 5 of Chapter 213, Statutes of 1917, known as Chapter 310, Statutes of 1923, expressly exempts from the necessity of securing a certificate an operator of a truck engaged solely in the transportation of products or implements of husbandry or other farm necessities when moving directly from or to a farm. The testimony of applicant and other witnesses tended to show that the cheese in question moves solely directly from the farms themselves and not from any factories or packing houses.

No testimony whatsoever was submitted by either applicants or their witnesses on the question of public convenience and necessity for the establishment of truck service for the purpose of hauling either manufactured products from the Salinas Valley when moving from warehouses, factories or packing establishments to

San Francisco or for the transportation of general merchandise from San Francisco to the localities proposed to be served by applicants in the Salinas Valley and in view of the principle reiterated on numerous occasions by this Commission to the effect that the desire of a truck operator to engage in the business is no showing that a public necessity exists for the establishment of this service, the application must be denied.

I submit the following form of Order.

O R D E R

Public hearing having been held upon the above entitled application, evidence introduced, the matter being duly submitted and the Commission being fully advised,

IT IS HEREBY ORDERED that the above entitled application be, and the same hereby is denied.

IT IS HEREBY FURTHER ORDERED that if applicants propose to continue in the transportation of cheese or other farm necessities when such commodities are moving directly from farms, that they file with this Commission within a period of not to exceed twenty (20) days from date hereof tariff of rates, rules and regulations governing such service.

The foregoing Opinion and Order are hereby approved and ordered filed as the Opinion and Order of the Railroad Commission of the State of California:

Dated at San Francisco, California, this 27th day of August, 1924.

C. Seavey
H. B. Brounidge
Irvine Martin

J. H. Whittington
Commissioners