

Decision No. 15413

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of Mario and Peter Marengo)
(Marengo Bros.) for certificate)
of public convenience and neces-)
sity to operate freight truck)
service between dairy ranches in)
vicinity of Cudahy, Workman and)
County Farm and Los Angeles.)

APPLICATION NO. 11223

Mario Marengo, for Marengo Bros., Applicants.
Phil Jacobson, for O. J. Blakesly, Protestant.

BY THE COMMISSION:

O P I N I O N

Mario and Peter Marengo, co-partners, have made application to the Railroad Commission for a certificate of public convenience and necessity to establish service for the transportation of milk and dairy supplies between dairy ranches located in the vicinity of Cudahy, Workman and County Farm, and on College Avenue and Stewart and Grays Roads and vicinity, west of Downey and Los Angeles, in Los Angeles County, and points intermediate.

A public hearing herein was conducted by Examiner Williams at Los Angeles.

Applicants propose a schedule of rates of 13 cents per 10-gallon can between points designated, and \$1.50 per ton on return haul of feed. Applicants serve about 15 producing dairies and transport from 170 to 250 cans of milk daily, destined to

creameries in Los Angeles. By amendment made at the time of hearing, applicants asked authority to include delivery at the Cloverdale Creamery in Huntington Park, a point to which service has heretofore been given, but which was overlooked in preparing the application. Applicants also amended the application to fix the territory in which they are to operate as all that territory within the red lines shown on map marked "Amendment to Exhibit B", and one mile from the exterior boundary. Applicants have been conducting the service proposed for almost two years, having purchased a previous operation, by authority of this Commission, from Sam Kevorkian and A. Tartarian. Since January, 1924, applicants have conducted the service under the methods of exemption provided in the amendment to Section 5 of the Auto Transportation Act, generally known as the Crittenden Bill, which enactment was declared unconstitutional by the Supreme Court of California on April 27, 1925.

John Verberg of Workman and Dan Coffield of Tweedy Boulevard, who are among the shippers from the area sought to be served by applicants, testified that applicants' service was excellent and their rates satisfactory, and that they desired a continuance of said service.

Although the granting of the application was protested by O. J. Blakesly, no testimony in protest was presented, Mr. Blakesly stating that he thought there would be no conflict between his service and that proposed by applicants, although they traversed the same roads in a part of the territory.

We therefore find as a fact, from the testimony appearing in the record, that public convenience and necessity

require the service proposed by applicants herein. An order granting the application will accordingly be entered.

O R D E R

Mario and Peter Marengo (Marengo Bros.), co-partners, having made application to the Railroad Commission for a certificate of public convenience and necessity to establish service for the transportation of milk and dairy supplies between dairy ranches located in the vicinity of Cudahy, Workman and County Farm, and on College Avenue and Stewart and Gray Roads and vicinity, west of Downey, and Los Angeles and intermediate points, a public hearing having been held, the matter having been duly submitted and now being ready for decision,

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA
HEREBY DECLARES that public convenience and necessity require the operation of a service as proposed by applicants herein, for the transportation of milk and dairy supplies between dairy ranches located in the vicinity of Cudahy, Workman and County Farm, and on College Avenue and Stewart and Gray Roads and vicinity, west of Downey, and Los Angeles and intermediate points, over and along the following route:

From Los Angeles via Long Beach Boulevard to Tweedy Road; east on Tweedy Road to Cudahy; south on Cudahy Avenue to Workman; southeast on Workman Road to County Farm; north on College Avenue to Stewart and Gray Road near Downey; west on Stewart and Gray Road to Cudahy; thence west on Tweedy Boulevard to Long Beach Boulevard and north to Los Angeles. Dairy ranches served are located within one (1) mile of main roads traveled, except that no milk is picked up EAST of College Avenue, north of Curtain Road; and

IT IS HEREBY ORDERED that a certificate of public convenience and necessity be and the same hereby is granted, subject

to the following conditions:

- I. Applicants shall, within twenty (20) days from the date hereof, file with this Commission their written acceptance of the certificate herein granted; shall file, in duplicate, time schedules and tariff of rates identical with those as set forth in Exhibit attached to the application herein within a period of not to exceed twenty (20) days from date hereof; and shall commence operation of the service herein authorized within a period of not to exceed thirty (30) days from date hereof.
- II. The rights and privileges herein authorized may not be sold, leased, transferred nor assigned, nor service thereunder discontinued, unless the written consent of the Railroad Commission to such sale, lease, transfer, assignment or discontinuance has first been secured.
- III. No vehicle may be operated by applicants under the authority hereby granted unless such vehicle is owned or is leased by applicants under a contract or agreement on a basis satisfactory to the Railroad Commission.

For all other purposes the effective date of this order shall be twenty (20) days from and after the date hereof.

Dated at San Francisco, California, this 19th
day of September 1925.

H. H. Brundage

George D. James

Leon A. Pittell
Commissioners.