

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of T. Landi and Tony Pimentel, co-partners, operating under the name of T. LANDI DRAYING COMPANY, for certificate of public convenience and necessity to establish automobile service for the transportation of apples in both lug boxes and packed boxes and grapes in lug boxes, from the following ranches located on the various roads, as named, to Oakland via San Rafael and Richmond, Lee Young ranch, (Drier), Peters Bros., Thomas ranch, all on Redwood Highway at Petaluma, Elphick Orchard Co. on Redwood Highway at Cotati, Biocci Vineyard on Redwood Highway north of Santa Rosa, Stafford Orchard Co., on Redwood Highway, at Healdsburg, Landi ranch, Leonchini ranch, both on Redwood Highway between Healdsburg and Cloverdale on Dry Creek, Smith ranch, Chapman ranch on Russian River Highway, at Windsor, Hoffman Orchard Co. on Russian River Highway at Guerneville; also Christmas wreaths from Guerneville, Keegan's ranch, Galli ranch, Morrison ranch, all on Russian River Highway at Forestville, Ross ranch, Sullivan ranch, Mrs. Barlow's ranch, all on Russian River Highway at Graton; Apple Union, Elphick Orchard, on Russian River Highway at Sebastopol and Meeker, Ah Lee (Trembley Drier) on Russian River Highway, Woodworth Orchard, on Jenner Highway, Savio Orchard Co., Lee Morrell on Jenner Highway at Occidental, Silva Bros., Scudder ranch, Mrs. Hotell, all located near Freestone, Bassett ranch, Logan ranch, Beattie ranch, Biocca ranch, Shidler ranch, Schuh ranch, Woodworth ranch, Dowd ranch, Sanders ranch, Morse ranch, Thomas ranch, E. Cadoza Orchard, all on Gravenstein Highway between Sebastopol and Cotati, all of above more clearly defined on map attached to application, also for permission to pick up at intermediate point on routes traveled. Service April 1st to December 31st approximately each year.

ORIGINAL

(Application  
No. 12707).

Edward R. Solinsky, for Applicant,  
Chas. A. Beck, for George Avellar, Protestant,  
E. H. Maggard and Donald Geary, for Santa Rosa and  
Petaluma Railroad Company, Protestant.  
H. J. Bates, for Bay Cities Transp. Co., Protestant.

BY THE COMMISSION:

O P I N I O N

T. Landi and Tony Pimentel, co-partners, operating under the name of T. Landi Draying Company, have petitioned the Railroad Commission, in accordance with their amended application, for an order declaring that public convenience and necessity require the operation by them of an automobile truck line as a common carrier of apples, pears, cherries, grapes and Christmas wreaths between the ranches and farms hereinafter set out and which are designated on the sketch and map attached to said application and the City of Oakland by way of San Rafael and Richmond and over and along the said public roads and public highways named and described on said sketch and map; provided, however, that no service shall be rendered between Petaluma and Oakland. The following are the ranches and farms proposed to be served by applicant, as shown on said map and sketch attached to said application:

Lee Young ranch, (Drier), Peters Bros., Thomas ranch, all on Redwood Highway at Petaluma, Elphick Orchard Co. on Redwood Highway at Cotati, Biocci Vineyard on Redwood Highway north of Santa Rosa, Stafford Orchard Co. on Redwood Highway at Healdsburg, Landi ranch, Leonchini ranch, both on Redwood Highway, between Healdsburg and Cloverdale on Dry Creek, Smith ranch, Chapman ranch on Russian River Highway at Windsor, Hoffman Orchard Co. on Russian River Highway at Guerneville; also Christmas wreaths from Guerneville, Keegan ranch, Galli ranch, Morrison ranch, all

on Russian River Highway at Forestville, Ross ranch, Sullivan ranch, Mrs. Barlow ranch, all on Russian River Highway at Graton, Apple Union, Elphick Orchard on Russian River Highway at Sebastopol and Meeker, Ah Lee (Trembly Drier) on Russian River Highway, Woodworth Orchard on Jenner Highway, Savio Orchard Co., Lee Morrell on Jenner Highway at Occidental, Silva Bros., Scudder ranch, Mrs. Hotell, all located near Freestone, Bassett ranch, Logan ranch, Beattie ranch, Biocca ranch, Shidler ranch, Schuh ranch, Woodworth ranch, Dowd ranch, Sanders ranch, Morse ranch, Thomas ranch, T. Cadoza orchard, all on Gravenstein Highway between Sebastopol and Cotati.

A public hearing on above entitled application was conducted before Examiner Satterwhite at Oakland, the matter was submitted, and is now ready for decision.

Applicants propose to charge rates, in accordance with amended Exhibit "A" attached to said application. No definite time schedule is proposed, but applicants will operate at all times upon call during the fruit season from April 1st to December 31st inclusive. Applicants propose to use five trucks as described in Exhibit "C" attached to said application.

The Petaluma & Santa Rosa Railroad Company, the Northwestern Pacific Railroad Company, the Bay Cities Transportation Company and George Avellar protested the granting of said application.

Applicants called many witnesses, consisting of farmers operating farms in the territory proposed to be served, and also several commission men conducting commission houses at Oakland. The testimony shows that applicants for more than four years last past have been co-partners and engaged almost exclusively in the

transportation of the fruits which they now propose to haul from the farming territory described to the commission houses at Oakland. Throughout the fruit season, which lasts from April 1st to December 31st, applicants propose to operate almost daily upon call from the various farmers who transport their fruits to Oakland commission houses, as the result of a direct sale to the commission houses or upon consignment for sale.

The record shows that the farms in the territory proposed to be served vary in size from a few acres to many in number. The farmers who appeared at the hearing testified to the effect that said applicants had always rendered a very satisfactory service in the transportation of their fruits and farm products and that they desired a continuance of the service. It was shown that the particular fruit and Christmas berries proposed to be transported by applicants are packed either in open lug boxes or in closed boxes and are picked up directly at the farms and delivered to the doors of the commission houses in Oakland.

The record also shows that applicants during past seasons have carried to the various commission houses an aggregate of more than 10,000 boxes per month. The only back-haul of applicants will consist of the empty lug boxes which are returned free of charge and no other freight of any kind will be carried on the return trip. The testimony shows that these fruits proposed to be hauled are of a perishable nature, which must be moved at once when picked and that the proposed truck service is the only service that affords a direct and expeditious transportation service.

The protesting rail carrier offered in evidence its

tariff of rates in effect between the points proposed to be served and offered some oral testimony to the effect that it had ample equipment and was able to adequately handle all fruit shipments offered to it in the territory proposed to be served by applicants.

After a careful consideration of all the evidence, we are of the opinion that public convenience and necessity will require the operation of said applicants and the application will be granted.

### O R D E R

A public hearing having been held in the above entitled application, the matter having been submitted and being now ready for decision.

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA HEREBY DECLARES that public convenience and necessity require the operation by T. Landi and Tony Pimentel, co-partners, doing business under the name of T. Landi Draying Company, of an automobile truck line as a common carrier of apples, pears, cherries, grapes and Christmas wreaths between the ranches and farms hereinafter set out and which are designated on the said sketch and map attached to said application and the City of Oakland by way of San Rafael and Richmond over and along the said public roads and public highways named and described on said sketch and map, provided, however, that no service will be rendered between Petaluma and Oakland. Following are the ranches and farms proposed to be served by applicant, as shown on said map and sketch attached to said application:

Lee Young ranch, (Drier), Peters Bros., Thomas ranch, all on Redwood Highway at Petaluma, Elphick Orchard Co. on Redwood

Highway at Cotati, Biocci Vineyard on Redwood Highway north of Santa Rosa, Stafford Orchard Co. on Redwood Highway at Healdsburg, Landi ranch, Leonchini ranch, both on Redwood Highway between Healdsburg and Cloverdale on Dry Creek, Smith ranch, Chapman ranch on Russian River Highway at Windsor, Hoffman Orchard Co. on Russian River Highway at Guerneville; also Christmas wreaths from Guerneville, Keegan ranch, Galli ranch, Morrison ranch, all on Russian River Highway at Forestville, Ross ranch, Sullivan ranch, Mrs. Barlow ranch, all on Russian River Highway at Graton, Apple Union, Elphick Orchard on Russian River Highway at Sebastopol and Meeker, Ah Lee (Trembley Drier) on Russian River Highway, Woodworth Orchard on Jenner Highway, Savio Orchard Co., Lee Morrell on Jenner Highway at Occidental, Silva Bros., Scudder ranch, Mrs. Hotell, all located near Freestone, Bassett ranch, Logan ranch, Beattie ranch, Biocca ranch, Shidler ranch, Schuh ranch, Woodworth ranch, Dowd ranch, Sanders ranch, Morse ranch, Thomas ranch, T. Cadoza orchard, all on Gravenstein Highway between Sebastopol and Cotati.

IT IS HEREBY ORDERED that a certificate of public convenience and necessity be and the same is hereby granted to said T. Landi and Tony Pimentel for the operation of the service hereinabove described, subject to the following conditions:

- 1- Applicants shall file their written acceptance of the certificate herein granted within a period of not to exceed ten (10) days from date hereof.
- 2- Applicants shall file, in duplicate, within a period of not to exceed twenty (20) days from the date hereof, tariff of rates and time schedules, such tariffs of rates and time schedules to be identical with those attached to the application herein, or rates and time schedules satisfactory to the Railroad Commission, and shall commence operation of said service within a period of not to exceed sixty (60) days from the date hereof.
- 3- The rights and privileges herein authorized may not be discontinued, sold, leased, transferred nor assigned

unless the written consent of the Railroad Commission to such discontinuance, sale, lease, transfer or assignment has first been secured.

4-No vehicle may be operated by applicants herein unless such vehicle is owned by said applicant or is leased by them 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 the date hereof.

Dated at San Francisco, California, this 26<sup>th</sup> day of November, 1926.

H. B. ...  
...  
...  
Leon ...  
Thomas ...  
Commissioners.