

Decision No. 17894

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
 M. MAFFEI, G. B. PODESTA, E. RICCI,
 L. IMPERATORI, A. BANDETTINI and
 ANGELO VILLANTI, a co-partnership,
 doing business under the firm name
 and style of "CITY AUTO EXPRESS &
 DRAYAGE CO." for the approval of a
 certain agreement affecting the trans-
 fer of certain automobile operative
 rights between San Francisco, Colma,
 Salada and San Pedro, in the State of
 California.

ORIGINAL

Application No. 13455

BY THE COMMISSION -

OPINION and ORDER

M. Maffei, G. B. Podesta, E. Ricci, L. Imperatori, A. Bendettini and Angelo Villante, co-partners, doing business under the name of City Auto Express & Drayage Co., and operating an automobile trucking service under the authority of the Railroad Commission between San Francisco, Colma, Salada and Pedro Valley, have petitioned the Railroad Commission for an order approving the transfer to Angelo Villanti, one of the partners, of the operating right under which said service has been conducted, and Angelo Villanti has petitioned for an order authorizing him to take over and acquire said operating right and as sole owner thereof to hereafter operate thereunder, the transfer to be in accordance with an agreement marked Exhibit "A", which exhibit is attached to the application herein and made a part thereof.

The consideration to be paid for the property herein proposed to be transferred is based on an equipment valuation of \$4650, the agreement of sale providing for a distribution to each of the partners of a piece of equipment and an equalization of the values. All other assets are to be equally divided. No value is claimed for the intangibles.

The operating right herein proposed to be transferred to and acquired by Villanti was acquired by the six partners under authority of the Commission's Decision No.15903, dated January 26, 1926, and issued on Application No.12390. It is a consolidated right and has certain restrictions as will appear in the following history of the rights involved:

In Decision No.9475, dated September 7, 1921, issued on Application No.6483, the Railroad Commission granted to Greene & Greene a certificate of public convenience and necessity to operate an automobile truck line as a common carrier of freight between San Francisco, Colma and Salada and Pedro, subject to the following conditions:

That the operation ***** shall be confined solely to the transportation of farm products from ranches located in the vicinity and north of Pedro to Colma and San Francisco, and on the return haul to supplies and farm equipment consigned to the ranches in the same territory.

On January 8, 1925, by authority of the Railroad Commission (Decision No.14441, issued on Application No.10699) this right was transferred by Greene & Greene to a partnership consisting of Maffei, Gotelli and Podesta.

In Decision No.10065 dated February 8, 1922, and issued on Application No.7468, Ernest Del Cielo was granted a certificate of public convenience and necessity to operate an automobile truck line as a common carrier of perishable vegetables and farm products between Pedro Valley and Colma and San Francisco, subject to the condition that he should not accept or transport

***** any freight whatsoever from San Francisco or Colma to Pedro Valley or Half Moon Bay except empty boxes and crates which will be returned to shippers free of charge."

The Commission, in Decision No.11299 dated December 1, 1922, and issued on Application No.8422, authorized Del Cielo to transfer the above described operating rights to Bendettini and Villanti, co-partners, and in Decision No.15903, referred to above, the two

rights were consolidated and the ownership vested in the partnership named herein, the Commission expressly declaring that

***** the authorization of transfer and consolidation contained herein in no way grants to the applicants any authority to extend the field covered by the consolidated right to any point beyond that authorized in the separate rights, or to enlarge in any way the service authorized by the separate rights."

We are of the opinion that this is a matter in which a public hearing is not necessary and that the application should be granted.

IT IS HEREBY ORDERED that the above entitled application be and the same hereby is granted, subject to the following conditions:

- 1- The consideration to be paid for the property herein authorized to be transferred shall never be urged before this Commission or any other rate fixing body as a measure of value of said property for rate fixing, or any purpose other than the transfer herein authorized.
- 2- Applicant G. B. Podesta, for the partnership, shall immediately withdraw tariff of rates and time schedules on file with the Commission covering service, certificate for which is herein authorized to be transferred. Such withdrawal to be in accordance with the provisions of General Order No.51.
- 3- Applicant Angelo Villanti shall immediately file, in duplicate, in his own name, tariff of rates and time schedules covering service heretofore given by the partnership, which rates and time schedules shall be identical with the rates and time schedules now on file with the Railroad Commission in the name of the partnership of Maffei, Podesta, Ricci, Imperatori, Bandettini and Villanti, or rates and schedules satisfactory in form and substance to the Railroad Commission.
- 4- 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.
- 5- No vehicle may be operated by applicant Villanti unless such vehicle is owned by said applicant, or is leased by him under a contract or agreement on a basis satisfactory to the Railroad Commission.

Dated at San Francisco, California, this 12th day of January, 1927.

[Handwritten signatures and names over horizontal lines]
E. M. ...
H. B. ...
C. ...
Leon ...