

Decision No. 20023

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of GIUSEPPE TOCCHINI and DANTE DIANDA, co-partners, for certificate of public convenience and necessity to operate automobile freight service for the transportation of general merchandise between San Francisco, Colma and Half Moon Bay District, including Purisima, via Crystal Lakes Road and San Mateo, also via Skyline Boulevard and Old Colma Road, eliminating any service to or from San Mateo.

ORIGINALApplication
No. 11175

Williams, Kelly & Mc Donald by J.R.Kelly, for Applicants.
Harry A. Encell and J. A. Miller, for Coastside Transportation Company, Protestant,
Sanborn & Roehl and DeLancey C. Smith by A.B. Roehl and DeLancey C. Smith for Caesar Pelligrini, Protestant.
C.S. Mc Lonagan, for Pioneer Gibson Express, Protestant.

BY THE COMMISSION -

OPINION

Giuseppe Tocchini and Dante Dianda, co-partners, by their amended application herein, have petitioned the Railroad Commission for an order declaring that public convenience and necessity require the operation by them of an automobile truck line for the transportation of general merchandise between San Francisco, Colma and Half Moon Bay District, including Purisima, via Crystal Lakes Road and San Mateo, also via Skyline Boulevard and Old Colma Road, eliminating any service between San Francisco and San Mateo and intermediate points.

Public hearings on this application were conducted by Examiner Handford at San Francisco, the matter was duly submitted and is now ready for decision.

Applicants are now operating an automobile truck line as a common carrier of vegetables and other perishable farm products from the Half Moon Bay District to Colma and San Francisco, via

the Crystal Lakes Road and San Mateo, excluding service to San Mateo as an intermediate point, such operation having been authorized by the Commission's Decision No. 11417 on Application No. 8511, as decided December 29, 1922, covering transfer of operating rights granted to Paul Gatto under Decision No. 10065 on Application No. 7440, as decided February 8, 1922.

Applicants herein request authority to transport general merchandise, in addition to the vegetables and perishable farm products for which they hold certificate, and to render additional service via Skyline Boulevard and Old Colma Road in addition to their present authorized route via Crystal Lakes Road and San Mateo.

The proposed rates and routes are shown on "Exhibit A" as attached to the application; the service is proposed to be operated daily; and the equipment consists of four trucks, each of 3½ tons capacity.

Applicants rely as justification for the granting of the desired certificate upon the following alleged facts: that applicants in connection with the operation of their business in the carriage of vegetables and perishable farm products have received many requests to transport general merchandise for the patrons for whom farm products are hauled, and also from stores along the route; that applicants intend to transport merchandise as a "back haul" to eliminate the necessity of trucks returning empty on the trips from San Francisco and that there is no other means of transportation to the district sought to be served.

Two witnesses testified in support of applicants' proposed service and would use it if authorized, both objecting to the rates and service of protestant, Coastside Transportation Company.

The granting of the application is protested by Coastside Transportation Company, an authorized certificated carrier, and Caesar Pelligrini who at the time of the first hearing on this application was an applicant for a certificate to operate truck-

ing service between San Francisco and the Half Moon Bay territory.

Protestant, Coastside Transportation Company, filed exhibits showing equipment available, freight and express schedules, investment, and results of operation. From these exhibits it appears that protestant owns 10 trucks and 6 trailers, with an aggregate manufacturer's rating capacity of 47 tons; has an investment in plant and equipment of approximately \$150,000, and that its operations have for some time resulted in a deficit. This protestant, operating two freight and one express schedule daily, claims to be able to adequately serve the territory herein sought by applicant and to increase its schedules or equipment should the demands of traffic justify any enhancement of facilities.

Some evidence was introduced by this protestant for the purpose of showing that applicants had already been engaged in the back haul of groceries and merchandise to the shippers of vegetables and farm products, as well as to storekeepers, but the few instances complained of were shown to be those where some emergency had existed and where no charge was made for the transportation.

At the first hearing of this application attorney for applicant requested a continuance of the matter for the purpose of presenting additional witnesses in behalf of the applicant. At the adjourned hearing, due notice of which was given to all parties herein, there was no appearance in behalf of the applicant, the Commission being advised that it was applicants' desire that the matter be submitted on the record already made.

After full consideration of all the evidence and exhibits herein we find as a fact that the public convenience and necessity do not require the additional service herein sought, the territory proposed/^{to}be served being now adequately supplied with motor truck transportation by the Coastside Transportation Company, an

authorized common carrier, and by C. Pelligrini, to whom authorization was granted by this Commission's Decision No. 17797, on Application No. 11275, as decided December 23, 1926:

ORDER

Public hearings having been held on the above entitled application, the matter having been duly submitted, the Commission being now fully advised and basing its order on the finding of fact as appearing in the opinion which precedes this order,

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA HEREBY
DECLARES that public convenience and necessity do not require the operation by Guiseppi Tocchini and Danti Dianda, co-partners, of an automobile truck service as a common carrier of general merchandise between San Francisco, Colma and Half Moon Bay District, including Purisima, via Crystal Lakes Road and San Mateo, also via Skyline Boulevard and Old Colma Road, eliminating any service between San Francisco and San Mateo and intermediate points, and

IT IS HEREBY ORDERED that this application be and the same hereby is denied.

Dated at San Francisco, California, this 11th day of

July, 1928.

W. J. Seavey
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COMMISSIONERS.