

Decision No. 11019

**ORIGINAL**

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

- 909 -

In the Matter of the Application of  
PAT SILVESTRI, for certificate of  
public convenience and necessity to  
establish and continue the opera-  
tions of an automobile truck line as  
a common carrier of fruit and vege-  
tables from East San Jose and inter-  
mediate points to and including San  
Leandro, to San Francisco and Oakland,  
wholesale markets, also between Martinez  
and Oakland and San Francisco wholesale  
markets for the handling of table grapes  
only.

Gwyn H. Baker for applicant.

BY THE COMMISSION.

O P I N I O N

In this proceeding Pat Silvestri applies for a certificate of public convenience and necessity authorizing him to operate an automobile truck line as a common carrier of fruit and vegetables between East San Jose and intermediate points to and including San Leandro and Oakland and San Francisco; also as a common carrier of table grapes only between Martinez and Oakland and San Francisco.

A public hearing on the above entitled proceeding was held before Examiner Satterwhite on September 19th, 1922, at San Francisco, California, at which time the matter was submitted and it is now ready for decision.

It appears from the testimony submitted in this proceeding that applicant has been rendering a truck service, as herein proposed, for a period of seven years last past, for the

transportation of fresh fruits and vegetables from East San Jose, Milpitas, Warm Springs, Irvington, Centerville, Niles, Decoto, Alvarado, Haywards, San Lorenzo, San Leandro to commission houses and wholesale markets in Oakland and San Francisco; also for the transportation of table grapes from Martinez and ranches in the vicinity thereof to wholesale markets located at Oakland and San Francisco, with an occasional back haul of fresh fruits and vegetables, being a surplus stock destined from wholesale markets at San Francisco and Oakland to a packing and shipping concern at San Leandro for rail shipment to eastern points. The only other back haul engaged in by applicant is the return of empty containers.

Although all interested parties were notified of the hearing upon this application, no one appeared in protest and we are of the opinion that applicant is entitled to a certificate not only upon a showing that his service appears to be a public necessity, but also upon the fact that it clearly appears that he has been operating prior to the effective date of Chapter 213, Statutes of 1917, and continuously since that time. The service proposed is to be rendered only during the fruit and vegetable season of each year, which runs approximately from March 1st to December 1st.

#### ORDER

A public hearing having been held in the above entitled proceeding, evidence submitted and the Commission being fully advised,

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA HEREBY DECLARES that public convenience and necessity require the operation by Pat Silvestri of an automobile truck line as a common carrier of fresh fruits and vegetables from ranches and farms situated in and adjacent to East San Jose, San Leandro and points

intermediate thereto as more fully described in the opinion preceding this Order to commission houses and wholesale markets located at Oakland and San Francisco; for the transportation of table grapes only from Martinez to wholesale markets and commission houses located at Oakland and San Francisco, such service to be rendered during the period of each year when fresh fruits and vegetable crops are moving from farms or ranches to commission houses, and a certificate of public convenience and necessity be and the same hereby is granted, subject to the following conditions:

1. That applicant Pat Silvestri shall file his written acceptance of the certificate herein granted within a period of not to exceed ten (10) days from date hereof; shall file tariff of rates and time schedules, in duplicate, within a period of not to exceed twenty (20) days from date hereof, such tariff of rates and time schedules to be identical with those filed as Exhibits "A" and "B" attached to the application herein; and shall commence operation of the service herein authorized within a period of not to exceed thirty days from date hereof.

2. That 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.

3. That no vehicle may be operated by Pat Silvestri unless such vehicle is owned by him or is leased by him under a contract or agreement on a basis satisfactory to the Railroad Commission.

It is distinctly understood that the certificate herein granted in no way authorizes applicant to transport any commodities whatsoever on back haul, with the exception of returning empties and fresh fruit or vegetables destined from commission houses to San Leandro for rail shipment, nor does it authorize the operation of applicant's trucks to or from San Francisco over what is known as the "Peninsula route", via San Mateo and Redwood City.

Dated at San Francisco, California, this 26<sup>th</sup> day of September, 1922.

*H. H. Grundig*  
*Waring Matten*  
*J. P. [Signature]*  
Commissioners