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Decision No. 2237

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

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ORIGINAL

In the Matter of the Application of  
 T. LANDI, E. MARTINALLI, A. PARDINE,  
 co-partners operating under the firm  
 name of T. LANDI DRAYING COMPANY for  
 certificate of public convenience and  
 necessity to operate automobile freight  
 service as a common carrier of perishable  
 freight between Oakland and San Francisco.)

Application No. 7289

BY THE COMMISSION.

O R D E R

In this proceeding T. Landi, E. Martinalli, and A. Pardine, co-partners doing business under the firm name and style of T. Landi Draying Company have made application to the Railroad Commission for a certificate of public convenience and necessity authorizing the operation of an automobile truck line for the transportation of perishable fruits and vegetables between San Francisco and Oakland.

Applicants state in support of their petition that the business in which they are engaged was established in 1911 and has been operated continuously since that date; that due to ignorance of the provisions of Chapter 213, Statutes of 1917, as amended, they failed to file copies of their rates and time schedules upon the effective date of the above named Chapter in accordance with the provisions of a general order issued by this Commission. After it was called to their attention that a certificate of public convenience and necessity was required before any one could engage in the transportation of property for compensation between fixed termini, and with no desire to violate the provisions of the State Law, they have filed the present application.

In addition to their application, applicants have also filed a statement signed by some eight draying concerns at the present time operating between San Francisco and Oakland in which statement all of the signers thereto have waived any objection to the granting of the present application due to the fact that applicants' present business was established prior to the effective date of the Automobile Transportation Act and has been conducted continuously since.

It appearing to the Commission that this is a matter in which a public hearing is not necessary and that the application should be granted,

THE RAILROAD COMMISSION HEREBY DECLARES that public convenience and necessity require the operation by T. Landi, E. Martinalli, and A. Pardine, co-partners doing business under the fictitious name and style of T. Landi Draying Company, of an automobile truck line for the transportation of perishable fruits and vegetables between San Francisco and Oakland, and a certificate of public convenience and necessity be, and the same hereby is granted, subject to the following conditions:

1. That applicants shall file within a period of not to exceed ten (10) days from date hereof their written acceptance of the certificate herein granted and shall file within a period of not to exceed twenty (20) days from date hereof duplicate copies of their tariff of rates and time schedules, substantially the same as the tariff of rates and time schedules attached to their application and marked Exhibits "A" and "B", and that operation under the certificate herein granted shall commence within a period of not to exceed thirty (30) 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 the applicants herein, unless such vehicle is owned by said applicants or is leased by them under a contract or agreement on a basis satisfactory to the Railroad Commission.

Dated at San Francisco, California, this 10<sup>th</sup> day of November, 1921.

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Commissioners.