

Decision No. 25981.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
ADOLPE TOLOMEI, E. DEL GRANDE and )  
LOUIS J. GERBONI, copartners doing )  
business under the name of HALF )  
MOON BAY DRAYAGE COMPANY, for & )  
certificate of public convenience )  
and necessity to operate an auto )  
truck service as a common carrier )  
between San Gregorio, California, )  
and vicinity and San Francisco, )  
California. )

First  
Supplemental  
Application  
No. 17742.

BY THE COMMISSION:

**ORIGINAL**

O P I N I O N

By supplemental application Adolph Tolomei, E. Del Grande and Louis J. Gerboni, copartners doing business under the name of Half Moon Bay Drayage Company, have petitioned the Railroad Commission for an order declaring that public convenience and necessity require the extension of service now rendered between San Francisco and Half Moon Bay, to San Gregorio<sup>1</sup> and contiguous territory for the transportation of farm products with a return haul southbound of farm equipment and other supplies consigned to ranches in this territory. The original application in this proceeding sought a similar certificate but was denied (Decision No. 24916 of June 27, 1932), primarily upon the grounds that the Coastside Transportation Company, a certificated carrier operating in this territory, was rendering an adequate service. The Coastside Transportation Company, however, has now withdrawn its objection to the application.

Applicant proposes to operate from San Gregorio and vicinity and from farms and ranches situated not more than three miles from San Gregorio and situated not more than three miles on

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Applicant does not intend to serve the territory between the Half Moon Bay district and Tunitas which is now served by Caesar Pelligrini under authority of this Commission.

either side of the highway between San Gregorio and Half Moon Bay to San Francisco by way of the Crystal Lakes Road and San Mateo. The proposed rates are in accordance with a schedule marked Exhibit "A" attached to the application. Two round trips daily except Saturday will be made.

The territory proposed to be served is largely devoted to the raising of farm produce. There is no rail service, and but one authorized truck line now operates in the territory. Applicant alleges that there is a demand from farmers and ranchers for a rapid service to market their products in San Francisco and that they are also in need of an adequate and dependable service for the transportation of groceries, household necessities, farm implements and equipment and other supplies to their ranches.

This appears to be a matter in which a public hearing is not necessary. The application will be granted.

Adolph Tolomei, E. Del Grande and Louis J. Cerboni, copartners doing business under the name of Half Moon Bay Drayage Company are hereby placed upon notice that "operative rights" do not constitute a class of property which should be capitalized or used as an element of value in determining reasonable rates. Aside from their purely permissive aspect, they extend to the holder a full or partial monopoly of a class of business over a particular route. This monopoly feature may be changed or destroyed at any time by the state which is not in any respect limited to the number of rights which may be given.

#### O R D E R

Adolph Tolomei, E. Del Grande and Louis J. Gerboni, copartners doing business under the name of Half Moon Bay Drayage Company, having made application for a certificate of public convenience and necessity to extend their common carrier auto truck

service for the transportation of farm produce from San Francisco to San Gregorio territory as an extension to present rights between San Francisco and Half Moon Bay (granted by Decision No. 10065, dated February 8, 1922; Decision No. 11417, dated December 29, 1922; Decision No. 22716, dated July 25, 1930, and Decision No. 24143, dated October 19, 1931) and return haul southbound of farm equipment, supplies and other necessities consigned to ranches in the territory,

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA HEREBY DECLARES that public convenience and necessity require the establishment of such service by Half Moon Bay Drayage Company, provided that farms and ranches to be served shall not be situated more than three (3) miles from San Gregorio nor situated more than three (3) miles on either side of the highway between San Gregorio and Half Moon Bay, excepting the territory between the Half Moon Bay district and Tunitas, such territory being served by an existing truck line, subject, however, to the following conditions:

1. Applicants shall file their written acceptance of the certificate herein granted within a period of not to exceed fifteen (15) days from date hereof.
2. Applicants shall file, in triplicate, and make effective within a period of not to exceed thirty (30) days from the date hereof, on not less than ten days' notice to the Commission and the public a tariff or tariffs constructed in accordance with the requirements of the Commission's General Orders and containing rates and rules which, in volume and effect, shall be identical with the rates and rules shown in the exhibit attached to the application insofar as they conform to the certificate herein granted.
3. Applicants shall file, in duplicate, and make effective within a period of not to exceed thirty (30) days from date hereof, on not less than five days' notice to the Commission and the public, time schedules covering the service herein authorized, in a form satisfactory to the Railroad Commission.
4. 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.

5. No vehicle may be operated by 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.

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 29<sup>th</sup> day of

May 1933.

C. S. ...

M. A. ...

M. B. ...

...  
Commissioners.