

Decision No. 26894

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of PETE RAMPONE doing business under the firm name and style of RAMPONE BROS. for a certificate of public convenience and necessity authorizing a through common carrier service for the transportation of fresh fruit and vegetables (including melons) from certain defined territory tributary to the San Joaquin River and lying South and East of the town of Antioch, North of the city of Tracy, and West of the city of Stockton to San Francisco and Oakland by auto truck.

Application No. 19928.

**ORIGINAL**

E. W. Decoto, for Applicant.

E. W. Hobbs, for Southern Pacific Company,  
and Pacific Motor Transport Company, Protestants.

J. L. Amos, for Western Pacific Railroad, Protestant.

BY THE COMMISSION:

O P I N I O N

Applicant seeks a certificate of public convenience and necessity for the transportation of fresh fruit and vegetables (including melons) from certain territory South and East of the San Joaquin river to Oakland and San Francisco.

A public hearing thereon was conducted by Examiner Williams at San Francisco.

Applicant now is engaged in the transportation of the commodities before mentioned between certain areas in the delta of the San Joaquin and Sacramento rivers under certificate granted by Decision No. 26894, dated March 24, 1934, on Application No. 19311. The present application proposes an enlargement of his service. Applicant for many years has served the

greater part of the area sought under private arrangement with the growers, in season. Recent increase in acreage and in production of fruits and vegetables for the San Francisco metropolitan area, and especially its green goods markets, has led applicant to seek to place all his operations under regulation.

Witnesses who supported applicant by oral testimony were Alfred S. Ferguson, operating 1250 acres in the Clifton district, eight miles east of Byron; W. H. Carpenter, of Oakley, operating 115 acres of apricots and almonds; W. F. Logan, manager of the H. P. Garin ranch of 1000 acres. A number of other producers were present but were not called to the witness stand as applicant and protestants agreed upon a stipulation which terminated all protest. By agreement certain restrictions protecting the rail carriers will be made a part of the order herein. Applicant proposes a rate of 30 cents per hundred weight from all new points (minimum 50 cents).

Applicant has nineteen trucks and seven trailers, all of which, with others leased, are needed to perform service in the peak season of production. The service is to be wholly "on call" and no schedules will be observed, except the general obligation to transport the field and orchard products to the terminal markets by 3 A.M. each day. Applicant is experienced and the witnesses described his service as "indispensable" in marketing fresh commodities and delivering to canneries. The application will be granted as modified by the stipulation.

#### O R D E R

Pete Rampone, operating under the fictitious name of Rampone Bros., having made application as above entitled, a public hearing having been held and the matter having been duly submitted for decision,

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

HEREBY DECLARES that public convenience and necessity require the establishment and operation by Pete Rampone, operating under the name and style Rampone Bros., of an automotive truck service for the transportation as a highway common carrier of fresh fruits and vegetables (including melons) as hereinafter restricted, with return movement of empty containers, from the points and termini, as specifically set forth as follows:

(a) From Jersey Island, Bradford Island, Webb Tract, Frank's Tract, Bethel Tract, Hotchkiss Tract, Mitchell Tract, Veale Tract, Holland Tract, Palm Tract, Orwood Tract, Byron Tract, Clifton Tract, Coney Island, Mounian Tract, Fabian Tract, Burke Tract, Titus Tract, Stewart Tract, Grunaur Tract, Woodward Island, Bacon Island, Rhode Island, Quimby Island, Mandeville Island, Venice Island, Medford Island, Empire Tract, King Island, Rindge Tract, Shima Tract, Wright Tract, Elmwood Tract, Barnhart Tract, Atlas Tract, Oak Tree Ranch, District 1602, Smith Tract, Neumiller Island, Hog Island, Spud Island, Headreach Island, Fern Island, Tinsley Island, McDonald Tract, Henning Tract, Mildred Island, Lower Jones Tract, Upper Jones Tract, Drexler Tract, and all other points and termini all of which are located in the counties of San Joaquin, Contra Costa and Alameda, State of California, as more particularly shown on the map marked Exhibit "A" attached to the application herein to which express reference is hereby made, and more particularly located within the exterior boundaries as shown by the heavy black line or border appearing upon said map, which is more specifically described as follows:

(b) Beginning at a point on the San Joaquin River approximately three (3) miles east of the town of Antioch where said river is crossed by American Toll Bridge, commonly called Antioch drawbridge, thence easterly along the San Joaquin River to Potato Slough, thence easterly along Potato Slough to Little Potato Slough, thence northerly along Little Potato Slough to White Slough, thence southeasterly along White Slough to King Island Cut, thence southerly along King Island Cut to King Island Road, thence easterly along King Island Road to Thornton Road, thence southerly along Thornton Road to Country Club Boulevard, thence westerly along Country Club Boulevard to San Joaquin River, thence northwesterly along San Joaquin River to Turner Cut, thence southwesterly along Turner Cut to Whiskey Slough, thence southeasterly along Whiskey Slough to Trapper Slough, thence southerly along Trapper Slough to Dead Slough, thence southeasterly along Dead Slough to Middle River, thence northwesterly along Middle River to North Victoria Canal, thence westerly along North Victoria Canal to Old River, thence southerly along Old River to Grant Line Canal, thence

easterly along Grant Line Canal to Salmon Slough, thence along Salmon Slough to Old River, thence southeasterly along Old River to San Joaquin River, thence southeasterly along San Joaquin River to a drawbridge on the State highway commonly known as Lincoln Highway, thence southwesterly along Lincoln Highway to Grant Line Road east of Banta, thence westerly along Grant Line Road to State highway near Burke station, thence northwesterly along said State highway, county highways and State highway route No. 75 as said highways run through the towns of Byron, Brentwood and Oakley to the point of intersection of State highway routes Nos. 75 and 11, thence north over State highway route No. 11 to the point of beginning.

(c) To San Francisco and Oakland over and along the following routes:

(d) Over the public highways as such highways run south from Stockton through Banta, Tracy, Livermore, Altamont Pass, Dublin Canyon, Hayward, San Leandro to Oakland and San Francisco; also by the way of San Mateo Bridge and Bayshore Boulevard to San Francisco; also from Tracy through Byron, Brentwood, Oakley, Antioch, Concord and Tunnel Road to Oakland and San Francisco.

IT IS HEREBY ORDERED that a certificate of public convenience and necessity therefor be and it is hereby granted to Pete Rampone, not as a separate operating right, but as an extension and enlargement of the operating right heretofore granted applicant by Decision No. 26894 on Application No. 19311, and consolidated therewith, subject to the following conditions:

1. Applicant shall have the right to transport from the producing territory herein above described in paragraphs (a) and (b) at the rates set forth in paragraph VIII of the application herein, fresh fruits and fresh vegetables, including melons, and fresh potatoes and fresh onions in boxes to the commission and brokerage market districts of San Francisco and Oakland and to canneries in said districts as hereinafter provided.

2. Applicant shall not haul as a common carrier any commodities except asparagus to the canneries and/or packing houses situated in the vicinity of San Francisco Bay originating in territory situated within one mile of the present location of the rails of the Southern Pacific Company and/or The Western Pacific Railroad Company.

3. Applicant shall not haul as a common carrier dried onions and potatoes in sacks.

4. Applicant shall not haul as a common carrier commodities, as herein authorized, to any shipping terminal or state refrigeration terminal at San Francisco or Oakland.

5. Said transportation service shall be an "on call" service afforded by the equipment operated by applicant through the growing season in the territory affected.

6. Applicant shall file his written acceptance of the certificate herein granted within a period of not to exceed fifteen (15) days from date hereof; stipulating therein that the certificate herein granted is accepted as an extension and enlargement of the operating rights heretofore granted applicant by Decision No. 26894 on Application No. 19311, and consolidated therewith, and not as a separate operating right.

7. Applicant shall file, in triplicate, and make effective within a period of not to exceed thirty (30) days after the effective date of this order, 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 in so far as they conform to the certificate herein granted, or rates satisfactory to the Railroad Commission.

8. Applicant shall file, in duplicate, and make effective within a period of not to exceed thirty (30) days after the effective date of this order, 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.

9. 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.

10. No vehicle may be operated by applicant herein 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.

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 4th day of November 1935.

Leon C. Whittell

W. A. Lane

W. B. Lewis

W. B. Lewis

Paul R. Smith

COMMISSIONERS.