

ORIGINAL

Decision No. 36162

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
J. GARIBALDI, V. GARIBALDI and D.)
GARIBALDI, JR., certificated highway)
common carriers, for an order author-) Application No. 25059
izing and approving lease with The)
Cudahy Packing Company, a corporation,)
of certain property of applicants.)

BY THE COMMISSION:

O P I N I O N

By the above entitled application the Commission is requested to issue its order authorizing and approving an agreement under which J. Garibaldi and V. Garibaldi, partners, and D. Garibaldi, Jr., an individual, are leasing certain automotive equipment to The Cudahy Packing Company, a corporation.

The application states that J. Garibaldi and V. Garibaldi, partners, are highway common carriers engaged in the transportation of live stock over the highways of this State as authorized by the Commission's Decision No. 32673, dated December 19, 1939. It is further stated that D. Garibaldi, Jr., an individual, is also engaged in the transportation of live stock over the highways of this State as a highway common carrier under the authority of the Commission's Decision No. 32781, dated February 6, 1940.

It is averred that each of those carriers has regarded the equipment involved as being disassociated from any of their common carrier operations; that each of the operations is adequately implemented with truck and trailer equipment wholly disassociated from the equipment involved in said lease arrangement and that the leasing of that equipment will not impair, diminish or

jeopardize the common carrier services to which said applicants have dedicated themselves.

From a review of that application, we are of the opinion and so find that upon the facts thus alleged, this Commission's authority is not needed to lease or otherwise dispose of the property referred to in the application. Therefore, the application will be dismissed. No public hearing appears to be necessary.

ORDER

After due consideration of the above entitled matter,

IT IS ORDERED that the application herein is hereby dismissed.

The effective date of this order shall be twenty (20) days from the date hereof.

Dated at San Francisco, California, this 9th day of February, 1943.

Francis D. Havenner
M. M. M.
Justin J. Casner
Richard K. K.
Francis W. C.
COMMISSIONERS