

Decision No. 37819

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, contract operators, radial highway common carriers and city carriers, for an order authorizing and approving lease with Armour and Company, a corporation, of certain property of applicants.

ORIGINAL

) Application No. 26612

BY THE COMMISSION:

O P I N I O N

This is an application in which J. Garibaldi and V. Garibaldi, copartners, and D. Garibaldi, Jr., an individual, request from the Commission an order authorizing and approving an agreement under which said J. Garibaldi, V. Garibaldi and D. Garibaldi, Jr., are leasing certain automotive equipment to Armour and Company, a corporation.

The application sets forth that J. Garibaldi and V. Garibaldi, two of the applicants, are highway common carriers engaged in the transportation of livestock over the highways of California by virtue of the authority granted them by the Commission in Decision No. 32673, dated December 19, 1939. It is also stated that D. Garibaldi, Jr., another of the applicants, is similarly engaged in the transportation of livestock under authority of the Commission's Decision No. 32781, dated February 6, 1940.

The application alleges that the applicants, and each of them, regard all of the equipment involved as being disassociated from any of their common carrier operations; that all of the common carrier operations of said applicants, and each of them, are

adequately implemented with truck and trailer equipment wholly disassociated from the equipment involved in said lease arrangement; and that the lease of such equipment will in no way impair, diminish or jeopardize the common carrier services to which all of the said applicants are dedicated.

After due consideration of the application, and of all the facts alleged by the parties thereto, we are of the opinion that the Commission's authority is not necessary to lease or otherwise dispose of the property referred to in the application. For that reason the application will be dismissed. A public hearing is not necessary.

O R D E R

Upon 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 24th day of April, 1945.

Harold Hudson
Justin F. Cooney
Richard K. Ketchum
Francis J. Davis
James H. Lane
COMMISSIONERS