

Decision No. 38822

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 JAMES GARIBALDI, VICTOR GARIBALDI and)
 DAVID GARIBALDI, JR., for an in lieu)
 certificate of public convenience and)
 necessity consolidating all of the)
 applicants' existing certificated opera-)
 tive rights to operate as highway common)
 carriers for the transportation of live-)
 stock between Los Angeles and points too)
 numerous to specify in this title, within)
 the State of California.)

ORIGINAL

Application No. 27240

O P I N I O N

James and Victor Garibaldi, copartners, doing business as Garibaldi Brothers, hold a certificate from the Commission authorizing the transportation of livestock as a common carrier along certain described routes including all intermediate points with the right to make lateral departures therefrom within a radius of 50 miles from said route.⁽¹⁾

David Garibaldi, Jr., through purchase from John H. Harris, acquired all of the latter's operative rights for the transportation of livestock. This operative right is coextensive with that held by James and Victor Garibaldi, described in Footnote

(1) Decision No. 32673, dated December 19, 1939, on Application No. 22211, describes the routes as follows:

1. U.S. Highway No. 101 between the Mexican Border south of San Ysidro to King City.
2. U.S. Highway No. 101 alternate between Serra and Oxnard.
3. U.S. Highway No. 99 between Mexican border south of Calexico to Modesto.
4. U.S. Highway No. 6 between Los Angeles and Bishop.
5. U.S. Highway No. 395 between Bishop and Nevada state line north of Coleville.
6. U.S. Highway No. 60 between Los Angeles and Arizona state line east of Blythe.
7. U.S. Highway No. 80 between Arizona state line east of Winterhaven and El Centro.

No. 1, except that David Garibaldi, Jr., holds a certificate to operate over one additional route, i.e., Los Angeles to Barstow.

The three applicants herein, James and Victor Garibaldi and David Garibaldi, Jr., now operate from a common office located at 5116 Maywood Avenue, Maywood, California. They have formed a copartnership for the purpose of consolidating all of the certificated rights hereinabove referred to and growing out of Applications Nos. 22208, 22211 and 23224.

The reasons assigned for the proposed consolidation are:

Greater convenience, simplicity and economy in operation.

Under the ownership of James and Victor Garibaldi, as copartners, and of David Garibaldi, Jr., as an individual, large fleets of livestock trucks and trailers have been operated. Under a common ownership, these will be operated to a better advantage and will result in a more adequate and economical service to the public.

Attached to the application is a copy of the proposed copartnership agreement from which it appears that the parties signatory thereto will deliver unto the said copartnership all of their operative rights, automotive equipment, office furnishings and supplies and will operate under the copartnership name of Garibaldi Brothers Trucking Company at 5116 Maywood Avenue, Maywood, California. No money consideration is involved in the transfer.

Applicants propose to operate their certificated service subject to the rates, rules and regulations heretofore prescribed by the Commission and pursuant to the tariffs of said certificated carriers heretofore filed with the Commission.

It would appear that this proposed consolidation would not be adverse to the public interest and the application will be granted. A public hearing is not considered necessary.

O R D E R

An application having been filed in the above entitled matter and the Commission being fully advised,

IT IS ORDERED:

(1) That James Garibaldi and Victor Garibaldi, copartners, are hereby authorized to transfer to, and James Garibaldi, Victor Garibaldi and David Garibaldi, Jr., copartners, are hereby authorized to acquire on or before May 30, 1946, the operative right created by Decision No. 32673, dated December 19, 1939, on Application No. 22211, and referred to in the foregoing opinion, together with the physical property referred to in the agreement.

(2) That David Garibaldi, Jr., an individual, is hereby authorized to transfer to, and Victor Garibaldi, James Garibaldi and David Garibaldi, Jr., copartners, are hereby authorized to acquire on or before May 30, 1946, the operative right acquired by said David Garibaldi, Jr., pursuant to the authority of the Commission in Decision No. 32781, dated February 6, 1940, in Application No. 23224, and the physical property referred to in the foregoing paragraph.

(3) That, in the place and stead of the foregoing described operative rights, a new certificate is hereby granted to Victor Garibaldi, James Garibaldi and David Garibaldi, Jr., copartners, authorizing the establishment and operation of service as a highway common carrier, as defined in Section 2-3/4 of the Public Utilities Act, for the transportation of livestock, only, upon "on call" schedule between the respective termini and all intermediate points over the following described routes, with the right to make lateral departures within a radius of 50 miles of such routes:

1. U.S. Highway No. 101 between the Mexican Border south of San Ysidro, Santa Maria and King City.
2. U.S. Highway No. 101 alternate between Serra and Oxnard.
3. U.S. Highway No. 99 between Mexican border south of Calexico and Modesto.
4. U.S. Highway No. 6 between Los Angeles and Bishop.
5. U.S. Highway No. 395 between Bishop and Nevada state line north of Coleville.
6. U.S. Highway No. 60 between Los Angeles and the Arizona state line east of Elythe.
7. U.S. Highway No. 66 between Los Angeles and Barstow.
8. U.S. Highway No. 80 between Arizona state line east of Winterhaven and El Centro.

(4) That the operative rights created by Decision No. 32673, dated December 19, 1939, on Applications Nos. 22211 (Garibaldi Bros.) and 22208 (John H. Harris) are hereby revoked and annulled.

(5) That applicants in providing service pursuant to the certificate herein granted shall comply with the following service regulations:

- (a) Applicants shall file a written acceptance of the certificate herein granted within a period of not to exceed 30 days from the effective date hereof.

(b) Applicants shall establish the service and comply with the provisions of General Order No. 80 and Part IV of General Order No. 93-A by filing, in triplicate, and concurrently making effective, appropriate tariffs and time tables within 60 days from the effective date hereof and on not less than 5 days' notice to the Commission and the public.

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

Dated at San Francisco, California, this 2nd day of April, 1946.

Harold Anderson
Justice F. Quince
Thomas C. Brown
Earl H. Lawrence
Harold P. Hule
COMMISSIONERS