

Decision No. 10257

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 GENERAL CHEMICAL COMPANY)
 (a corporation))

ORIGINAL

for an order approving the order of)
 the Board of Supervisors of Contra)
 Costa County, State of California,)
 granting a renewal of a wharf fran-)
 chise on the southern shore of Suisun)
 Bay in Township No. 1, Supervisor)
 District No. 3, in the County of)
 Contra Costa, State of California.)

Application No. 11469

BY THE COMMISSION:

ORDER APPROVING WHARF FRANCHISE

GENERAL CHEMICAL COMPANY, a corporation, by this application prays an order of this Commission approving the action of the Board of Supervisors of Contra Costa County in granting to it, for the term of twenty years, a renewal of a wharf franchise, together with the privilege of collecting tolls for the use thereof, on the southern shore of Suisun Bay in Township No. 1, Supervisor District No. 3, in the County of Contra Costa, State of California.

From the allegations of the application it appears that General Chemical Company is a corporation organized under the laws of the State of New York; that on August 7, 1905, the Board of Supervisors of Contra Costa County granted to one W. C. Peyton, his heirs and assigns, the right to erect, construct and maintain a wharf, and to

take tolls for the use of the same for a term of twenty (20) years, on all those submerged, overflowed and tide lands belonging to the State of California, bordering on the southern shore of Suisun Bay, a navigable arm of the sea, situated in Township No. 1, Supervisor District No. 1 (now Supervisor District No. 3) in said County of Contra Costa; and that in September, 1919, said wharf franchise, and all of the rights and privileges granted thereunder, passed into the ownership of the General Chemical Company, which ever since has been, and now is, the owner and user of said wharf and said wharf franchise.

It is represented by the General Chemical Company that since the acquisition by it of this franchise the wharf in question has been used exclusively for its own private purposes, and that tolls for the use of said wharf have not been, and will not be, collected by it from the public.

In so far as any approval of this Commission may be necessary, under the provisions of section 2906 et seq. of the Political Code, of the right to erect, construct and maintain a wharf exclusively for private purposes, without the collection of any tolls for the use thereof by others, such approval is hereby granted.

The Commission desires to point out, however, that the use of said wharf by the public and the collection of tolls for such use would result in General Chemical Company transacting a public utility, i.e. wharfing, business in this state. Such a result would be in direct conflict with the express provisions of section 26 of the Public Utilities Act, and no approval of this Commission can be, nor is, given to that portion of this franchise which purports to

authorize General Chemical Company to collect tolls for the use of said wharf.

Dated at San Francisco, California, this 4th day of August, 1925.

H. K. Burdige

George W. Squires

Leon Whitell
Commissioners.