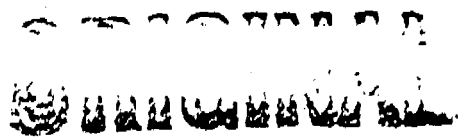


Decision No. 22917



BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 PORT COSTA WAREHOUSE COMPANY, a cor-)
 poration, for approval of a wharf) Application No. 16882.
 franchise.)

BY THE COMMISSION:

ORDER APPROVING WHARF FRANCHISE

The Port Costa Warehouse Company, a California corporation, by this application requests an order from this Commission approving the action of the Board of Supervisors of the County of Contra Costa, State of California, in granting to it, for the term of twenty years, a wharf franchise on the southerly shores of the Straits of Carquinez and situated in Supervisor District Number Two (2) in the County of Contra Costa, State of California, and more particularly described as contained and being within the following boundaries, to-wit:

Those certain lands bordering on the southerly shores of the Straits of Carquinez and situated in Supervisors District Number Two (2) in the County of Contra Costa, State of California, and particularly described as follows, to-wit: Beginning at a point on the northerly line of the right of way of the Northern Railway Company at Port Costa, California, said point of beginning being one thousand eight hundred and seventy-two (1872) feet measured westerly from the most northerly hinge of Ferry Slip at Port Costa; thence running northerly and at right angles to the northerly line of the right of way of the Northern Railway Company, one hundred and sixty (160) feet more or less to station in the U.S. Pier Head Line; thence running westerly along said Pier Head Line one thousand (1000) feet to station; and thence southerly two hundred and fifteen (215) feet more or less to station in the northerly line of the right of way of the Northern Railway Company; thence running along the northerly line of said right of way of the Northern Railway Company in an easterly direction, one thousand (1000) feet into the place of beginning.

It appears from the application that on the 18th day of August, 1930, the Board of Supervisors of the County of Contra

Costa, State of California, under Ordinance No. 201 granted to applicant a franchise together with the right to construct and maintain a wharf and to take tolls thereon as specifically set forth in its "Order Approving Bond And Passing Ordinance Granting Franchise," attached to the application.

Insofar as an 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, 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 the Port Costa Warehouse Company transacting a public utility (i.e. wharfing) business in this state. Such a result would require this applicant to file tariffs in conformity with the provisions of the Public Utilities Act.

Dated at San Francisco, California, this 27th day of September 1930.

Clarence
Emmerts
Leon Oswald
Paul Smith

COMMISSIONERS.