

Decision No. 22918

**ORIGINAL**

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 franchise.	) ) )	Application No. 16883.
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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 shore of the Straits of Carquinez and situated in Supervisorial District No. 2 in the County of Contra Costa, State of California, and more particularly described as contained and being within the following boundaries, to-wit:

All those certain lands bordering on the southerly shore of the Straits of Carquinez and situated in Supervisorial District No. 2 in the County of Contra Costa, State of California, and particularly described as follows, to-wit:

Beginning at a point in the northerly line of the right of way of the Northern Railway Company at Port Costa, California, said point of beginning is 722 feet distant measured westerly from the northerly hinge of Ferry slip at Port Costa; thence running northerly and at right angles to northerly line of said right of way of said railway 160 feet, more or less, to station in U.S. Pier Head Line; thence running along said Pier Head Line in a general westerly direction 1000 feet to station; thence southerly 160 feet, more or less, to station in the northerly line of said railway right of way; thence running easterly along northerly line of said railway right of way 1000 feet into 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. 202 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.

In so far 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. wharfinger) 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 27<sup>th</sup> day of September 1930.

Cl. Acquisti  
Emilio Acquisti  
Leon Acquisti  
Paul Acquisti

COMMISSIONERS.