

Decision No. 27389

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of Application of
PETALUMA and SANTA ROSA RAILROAD
COMPANY for certificate of public
convenience and necessity for the
operation of vessels for the
transportation of mill stuffs
between Oakland, Alameda, Berkeley
and Richmond and other points served
by its line of railroad and vessels
operated in connection therewith.

Application No. 19521.

ORIGINAL

- E. J. Foulds, for applicant.
- E. G. Wilcox, for Oakland Chamber of Commerce.
- F. Merkelbach, for Albers Bros. Milling Company.
- John E. McCurdy, for Poultry Producers of Central California.
- T. J. Differding, for Richmond Chamber of Commerce and Parr-Richmond Terminal Corporation.

BY THE COMMISSION:

O P I N I O N

This is an application by the Petaluma and Santa Rosa Railroad under the provisions of Section 50(d) of the Public Utilities Act for a certificate of public convenience and necessity authorizing the operations of its vessels to and from Oakland, Alameda, Berkeley and Richmond for the transportation of grain and mill stuffs only, and only in carload lots, originating at or destined to points located on the Petaluma and Santa Rosa Railroad.

A public hearing was held at San Francisco September 11, 1934, before Examiner Geary and the case having been submitted is now ready for an opinion and order.

The petition sets forth that applicant had on file, effective July 5, 1920, Local Freight Tariff No. C-27, C.R.C. No. 82, which included Oakland, Alameda and Berkeley as points

served by its vessels and that this tariff was cancelled in February, 1922.

The rates proposed will be those now in effect in Tariff No. 34-G, C.R.C. No. 134, applying on grain and mill stuffs to and from San Francisco.

There was no opposition to the application but it was endorsed and urged by all of the large shippers and users of grain, namely, the Poultry Producers of Central California, Albers Brothers, Encinal Terminals, Parr-Richmond Terminal Company, Richmond Chamber of Commerce, Oakland Chamber of Commerce and eight grain and feed dealers doing business in the City of Petaluma.

The Petaluma and Santa Rosa Railroad Company commenced operations in 1904, performing a service by river boats and barges between San Francisco and Petaluma and by railroad from Petaluma to Santa Rosa and Forestville on the north, serving also by its vessels South Vallejo and Port Costa. It has now in effect joint rates, state and interstate, with the Western Pacific providing for the interchange of the freight at both San Francisco and the Western Pacific's wharf at Oakland.

The grain and mill stuffs move in quantity lots of from 30 to 200 tons or more and the rates base on the amount of the particular shipment. Shipments move in bulk and in sacks and this applicant is the only operator equipped to handle bulk grain, the major part of which originates in the middle west, northwest and in the Argentine. There is not a constant flow of tonnage and the service will be responsive to the public demands.

The record further shows that applicant's vessels have been serving Oakland and the East Bay points, using San Francisco rates upon the deduction that the points are intermediate to its through operations at San Francisco. The service is a necessary one and although not claiming a prior right under Section 50(d)

of the Act, a fact obviously easy to confirm, this application is made out of an abundance of caution to make positively lawful a service given for more than 20 years but not clearly covered by the tariff publications.

We are of the opinion and find as a fact that public convenience and necessity require the establishment by this applicant of a service by steamers and barges between points located on the Petaluma and Santa Rosa Railroad and Oakland, Alameda, Berkeley and Richmond for the transportation of grain and mill stuffs only, and only in car-load lots, as set forth in the application, and that a certificate should be granted. In issuing this authority, the Commission does not authorize nor enlarge any of applicant's operating privileges except to the extent of the service to the points named.

O R D E R

A public hearing having been held in the above entitled proceeding and the application having been submitted, the Railroad Commission of the State of California hereby declares that public convenience and necessity require the operation by the Petaluma and Santa Rosa Railroad of vessels and barges for the transportation of grain and mill stuffs between Oakland, Alameda, Berkeley and Richmond on the one hand, and points served by the Petaluma and Santa Rosa Railroad Company on the other.

IT IS HEREBY ORDERED that a certificate of public convenience and necessity be and the same is hereby granted subject to the following conditions:

That the applicant shall publish rates as set forth in the application in proper tariffs and in the manner prescribed by Section 14(a) of the Public Utilities Act.

Dated at San Francisco, California, this 24th day of September, 1934.

Leon C. Whiteley
W. J. Carr
W. B. Harris
W. H. ...