

Decision No. 29306.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application of
 PARR-RICHMOND TERMINAL CORPORATION,
 LTD., a corporation, for an order
 authorizing the lease of certain
 property to San Pablo Fisheries.

Application No. 20834.

ORIGINAL

BY THE COMMISSION:

ORDER

Applicant, Parr-Richmond Terminal Corporation, Ltd., sometimes referred to as the Lessor, herein seeks an order, under Section 51(a) of the Public Utilities Act, authorizing it to lease certain property to San Pablo Fisheries, a California corporation, hereinafter sometimes referred to as the Lessee.

Parr-Richmond Terminal Corporation, Ltd., is a California corporation engaged in the public utility wharfing business operating docks, wharves, and other facilities on San Francisco Bay at Richmond, Contra Costa County. Its public utility properties consist of separately located units known as Parr-Richmond Terminals Nos. 1, 2, 3, and 4, respectively.

The lease involved herein concerns Parr-Richmond Terminal No. 4, where it is desired to transfer certain property from a public utility use to a non-public utility use, to permit it to be used by a fish canning and processing plant. The property applicant proposes to lease is located in the south end of warehouse No. 3 at Parr-Richmond Terminal No. 4

(1)

and is described in the application as follows:

"Five thousand (5,000) square feet, more or less, as shown outlined in red on that certain drawing attached hereto marked Exhibit "A" and hereby made a part hereof, together with the improvements thereon."

In its Decision No. 29171 in Case No. 4090, dated October 13, 1936, the Commission prescribed the following requirements to be met where it is desired to lease wharfinger space to private parties, viz.,

1. The areas leased or rented shall be definitely prescribed and fixed, not only as to specific locations but also as to areas and boundaries.
2. Neither the vessel's nor the terminal's agents or employees shall be granted access to the leased area for the purposes of cargo handling.
3. No lease shall be made for a period of less than two years unless good cause to the contrary can be shown.

Concerning these requirements it is alleged in the application that the demised premises will be used exclusively for the operation of a plant for the canning and processing of fish; that the leased space will be shut off by partition from the balance of the warehouse in which it is situated; that no goods or property shall be moved directly between the demised premises and ships or barges by stevedores or barge men, but all such shipments shall be delivered to Lessor into that portion of said terminal operated as a public utility; and that the lease extends for a period of five years, except in the event that action by public authorities makes the operation of the plant impractical.

It appears that the requirements of the Commission, as outlined above, concerning the lease of such wharfinger property have been satisfied.

(1) Exhibit "A" attached to the application is a copy of the lease involved herein, which describes the property and conditions and terms of the proposed transaction.

All use made of any of Lessor's terminal or warehouse facilities, including the use of any of the space on the wharf or in the warehouses not leased, and the berthing of vessels or barges shall be subject to the dockage, tolls, service charges, demurrage and other charges and rules and regulations, as prescribed by Lessor's tariffs filed with this Commission. Such tariff charges will be assessed for any services rendered to the Lessee by the Lessor as a public wharfinger or warehouseman. All car loading or unloading, with the exception of bulk fish oil loaded to rail tank cars, will be performed by the Parr-Richmond Terminal Corporation, Ltd., in accordance with its tariffs on file with this Commission. Applicant alleges that the portion of the terminal sought to be leased is not needed by it in the performance of its public utility functions and that the leasing of said premises will not interfere with the operation of this terminal for public utility purposes.

The competing public and private terminal operators in this vicinity were informed of this application but no objection was offered to the granting of the application.

It appears that this is not a matter in which a public hearing is necessary, and a careful review of the application leads to the conclusion that the proposed lease agreement should receive the Commission's approval, therefore,

IT IS HEREBY ORDERED that applicant be and it is hereby authorized to enter into the said lease agreement (Exhibit "A") attached to the application, subject to the following conditions:

- (1) A certified copy of such lease agreement shall be filed with this Commission within thirty (30) days from the date of its execution.

- (2) The authority herein granted shall lapse and become void if not exercised within one (1) year from the date hereof unless further time is granted by subsequent order.

The effective date of this Order shall be the date hereof.

Dated at San Francisco, California, this 23rd day of November, 1936.

M B Lewis

Leon Whittell

M J Curran

Frank R. Denny

Commissioners.