

Decision No. 29728.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Investigation  
by the Commission on its own motion  
into the operative rights of common  
carriers engaged in transporting  
property by vessel between points on  
San Francisco, San Pablo and Suisun  
Bays, and on the San Joaquin, Sacra-  
mento and Napa Rivers and Petaluma  
Creek and their tributaries.

Case No. 3824.

In the Matter of the Investigation  
upon the Commission's own motion into  
the legality and extent of operations,  
legality of filing of present tariffs,  
and nature and extent of operative  
rights, if any exist, of Channel  
Lighterage Co. or Company, Peter  
Christensen, Chris Johansen, Juhl  
Bros. or Brothers, Henry A. Juhl,  
H. Juhl, M. Juhl, M. Lange Launch Co.  
or Company, Mathais Lange, Mare  
Island Ferry, Miller Launch Company,  
E. W. Miller, Gussie I. Miller, Fred  
or Frederik Olsen, Osborn and Born-  
holdt, R. J. Osborn, J. Bornholdt,  
Vehmeyer Transportation Co. or Com-  
pany, R. H. Vehmeyer, Freighters,  
Inc. and Jim Wilder.

Case No. 4012.

ADDITIONAL APPEARANCES

Gwyn H. Baker and A. F. Johnston, for Gustaf Olsson.  
W. F. Sampson, for Bay Transport Company.  
Sanborn & Roehl, by Clair MacLeod, for Bay Cities  
Transportation Company.  
J. B. McKeon, for Harbor Tug and Barge Company.  
J. Richard Townsend, for Peter Hansen and Capt. A.F. Johnston.  
Mr. Barden, for Ramon D. Williamson.  
Gwyn H. Baker, for Nickols Transportation Company.  
W. G. Stone, for Sacramento Chamber of Commerce.  
Alfred C. Woodworth, for the Martinez-Benicia Ferry  
and Transportation Company.

BY THE COMMISSION:

OPINION ON FURTHER HEARING

The Commission on its own motion instituted Case No. 3824 for the purpose of determining the nature and extent of the operative rights of common carriers engaged in transporting persons and property by vessel between points on San Francisco, San Pablo and Suisun Bays and on the San Joaquin, Sacramento and Napa Rivers and Petaluma Creek and their tributaries. Public hearings were had at San Francisco during which most of the respondent carriers testified. Certain of them however failed to appear at the initial hearings. The Commission thereupon instituted Case No. 4012, directing those that had failed to respond, as well as Freighters, Inc.,<sup>1</sup> to show cause, if any they had, first why they should not be ordered to cease and desist any operation being performed by them in violation of law; second, why any or all operative rights under which any of them might be operating should not be revoked for unlawful operation; and third, why any of their tariffs on file with the Commission should not be cancelled because of absence of the right to operate between any of the points named in their tariffs. Thereafter the Commission made its findings in each of these proceedings, dismissed Case No. 3824 as to certain respondents,<sup>2</sup> entered an order against certain other

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Subsequent to the initiation of Case No. 3824, the Commission by Decision No. 27592, dated December 17, 1934, in Application No. 19728, unreported, authorized Freighters, Inc., to acquire the property and operative rights theretofore owned by, or operated under the firm names and styles of the following:

Delta Transportation Company  
Higgins Transportation Company  
Island Oil Transportation Company  
Island Transportation Company  
Larkin Transportation Company  
Stockton Transportation Company  
Vehmeyer Transportation Company  
Wood and Seitz

<sup>2</sup>

They are: Napa Transportation and Navigation Company, Ellen J. Freethy and Remco Steamship Company.

respondents and set aside submission as to all others for the purpose of affording them an opportunity to make any further showing desired as to why an order consistent with the findings and conclusions reached should not be entered (Decisions Nos. 28282 and 28283 of October 14, 1935).

Further hearings in these proceedings were had upon a consolidated record before Commissioner M. B. Harris at San Francisco.

Before discussing the evidence presented at the further hearings it may be well to review briefly the principles applied by the Commission in determining the existence or non-existence of prescriptive operative rights. Relying on the decision of the Supreme Court in Golden Gate Ferry vs. Railroad Commission, 204 Cal. 305, and the decision of this Commission in Application of Larkin Transportation Company and Higgins Transportation Company (Decision No. 26424, October 16, 1933, and Decision No. 26860, March 12, 1934, in Application No. 18498), it was concluded in Decision No. 28283, supra, that "where a carrier demonstrated that it has transported in good faith and under tariffs on file with the Commission on August 17, 1923, all or substantially all commodities then offered for transportation in the territory it served, it should not be deprived of the right to haul such other articles of commerce as might be offered later, but that where the articles transported clearly indicate that the carrier has restricted its operations to commodities of a certain class or of a limited number of classes the carrier must be regarded as holding itself out to transport only commodities in that class or classes and cannot later without express authority change the essential and

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The order determining the extent and nature of operative rights was entered as to Channel Lighterage Co.; Chris Johansen; Juhl Bros.; Mare Island Ferry; Osborn & Bornholdt; Peter Christensen; M. Lange Launch Co.; Miller Launch Company; Frederik Olsen; and Jim Wilder.

inherent nature of its service by transporting other commodities."

Extensive briefs have been filed both in opposition to and in support of this interpretation of Section 50 (d) of the Public Utilities Act.<sup>4</sup> However, an analysis of the arguments indicates that respondents agree in substance with the basic reasoning employed in formulating tests for measuring operating rights, and that the disagreement arises from a misconception of those tests and their application to the evidence of record. The position of some of the respondents has been summarized on brief as follows:

"Where there is no evidence of an express intention by a carrier to restrict the scope of its operations it has a prescriptive operative right to transport all freight with respect to which it had rates in its tariff lawfully on file with the Railroad Commission on August 17, 1923, and to transport in the same general area all other freight which can be transported in the same type of boats and handled in substantially the same manner as any of the freight for which it had a rate in such tariffs. If substantially all the freight which was moving by water in a certain area on August 17, 1923, is covered by the test stated in the preceding sentence, such carrier has a prescriptive operative right to transport all freight which may be offered for transportation in such area." 5

This proposition embodies in part the tariff test announced in the Larkin-Higgins Case, supra, but assumes that the mere filing of a tariff is sufficient to confer operative rights. Under Section 50(d) of the Act it is also incumbent upon respondents to show actual

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<sup>4</sup> Section 50(d) of the Public Utilities Act, effective August 17, 1923, provides in part: "No corporation or person \* \* \* shall hereafter begin to operate \* \* \* any vessel for the transportation of persons or property, for compensation, between points in this State, without first having obtained \* \* \* a certificate declaring that public convenience and necessity require such operation, but no such certificate shall be required of any corporation or person which is actually operating vessels in good faith, at the time this act becomes effective, between points exclusively on the inland waters of this State under tariffs and schedules of such corporations or persons, lawfully on file with the railroad commission."

<sup>5</sup> Brief of Freighters, Inc.

good faith operations on August 17, 1923. Furthermore, in the Larkin-Higgins Case the prescriptive rights in issue were also restricted to the points and commodities for which rates and tariffs had been continuously maintained after the effective date of Section 50(d) of the Act. Thus qualified, respondents' test is substantially correct. In applying any test to the evidence, however, it must be borne in mind that the fact that over a considerable period of time, during which a great variety of articles moved between two given points, a carrier has actually handled only a limited group of commodities, or commodities of a certain type or class, is in itself persuasive evidence of an intention on the part of such carrier to restrict the scope of its operations to the transportation of such limited group or class of commodities. Similarly, the fact that for such period a carrier's operations have been confined to performing transportation service between a limited group of points is strongly indicative of an intention to restrict its service to transportation between such termini. Nor is the evidentiary value of a carrier's tariff publication to be ignored. The maintenance of a rate scale restricted as to territory, ~~terminal~~ <sup>6</sup> ~~or commodities~~ must be considered in determining the scope of a carrier's lawful operations and the extent of its "holding out" or offer to serve.

It is further argued that by unchallenged operation for many years respondents have acquired operative rights by estoppel, and the Commission may not now deny that such rights exist. Suffice

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<sup>6</sup> Many of the respondents participated in an association tariff known as Bay and River Boat Owners' Association Local Freight Tariff No. 4, C.R.C. No. 2 of John S.P. Dean, Agent. Thus while particular carriers served but a limited number of points or transported but few commodities, the tariff itself was broad enough collectively to embrace each individual member's operations. Under these circumstances the application of the tariff test can not result in unduly restricting a particular member's operative rights.

it to say that the procedure by which operative rights may be obtained is definitely fixed by Section 50(d) of the Public Utilities Act and no rights are acquired by unlawful operations in violation of the plain terms of the statute.

Due to the extent of the territory involved in this proceeding certain wharves and landings have been grouped. A description of these groups is contained in Decision No. 28283, supra. Whenever the terms described in said decision are used herein they will with the exception of the term "Sacramento" be understood to include the same wharves and landings. The previous description of Sacramento excludes wharves and landings in West Sacramento, an unincorporated area lying opposite Sacramento on the Sacramento River. The record shows that considerable traffic originates at this point and that it has been customarily accorded Sacramento rates. None of the groups described in Decision No. 28283 includes West Sacramento. The term "Sacramento" as used in Decision No. 28283 and as used in this decision should be amended to include, in addition to landings on the Sacramento River within the city limits of Sacramento, landings on the west bank of the Sacramento River located opposite the city of Sacramento.

Evidence presented at the further hearings as it relates to the operations of individual carriers will now be considered.

ALAMEDA TRANSPORTATION COMPANY (a corporation)

Respondent objects to the proposed finding<sup>7</sup> in that it excludes the right to serve Oakland Outer Harbor. However, this carrier's operative right rests entirely in a certificate of public convenience and necessity, and the Commission may not in this proceeding authorize any extension of such rights.

<sup>7</sup>

The term "proposed finding" as used throughout this decision refers to the finding or findings made in Decisions Nos. 28282 and 28283 of October 14, 1935, in these proceedings, with reference to the respondents involved.

CARL ANDERSON

Respondent contends the proposed finding is erroneous in that -

- (a) it is too restrictive as to territory,
- (b) it excludes the right to transport grain and lumber,
- (c) it restricts the right to transport hay and straw to lots of not less than 100,000 pounds.

Further evidence presented disclosed movements of hay and straw between various points not heretofore included in the record and a movement of grain between Sonoma Creek and San Francisco. Nothing was offered to justify a right to transport hay and straw in lots of less than 100,000 pounds, and the lowest minimum weight shown in respondent's currently effective tariff for the transportation of hay and straw under commodity rates in carload quantities is 100,000 pounds.

BAY TRANSPORT COMPANY (a corporation)

Objection was made to the proposed finding in that it excludes a prescriptive right to transport sugar from Crockett to Oakland and Richmond. Previous testimony to the effect that all of the sugar transported to Oakland and Richmond by respondent was moved under through billing to transcontinental destinations was shown to have been in error. The record now shows that there has been a regular movement of said sugar to California destinations since May, 1923.

BERKELEY TRANSPORTATION COMPANY

John M. Atthowe, an individual

Respondent testified that in addition to the points set forth in the proposed finding he has transported miscellaneous commodities in on-call service between San Francisco and Oakland since some time prior to 1923. Exhibit 52, covering operations for the first three days of each month of the years 1929 to 1934, inclusive, and a portion of 1935, shows some movement between these points in 1929, 1932, 1933

and 1934.

CROWLEY LAUNCH AND TUGBOAT COMPANY (a corporation)

Respondent objects to the proposed finding that rights on the inland waters here under consideration above Suisun Bay and Pittsburg have been abandoned and to the proposed finding that property may not be transported in lots of less than thirty tons. Supplemental exhibits differ materially from those originally submitted. Movements of "miscellaneous commodities" and "general cargo" are shown to or from substantially all the points in the territory for which respondent holds a certificate of public convenience and necessity.<sup>8</sup>

Respondent's certificate permits the transportation of passengers and property as set forth in Exhibit "A" of Applications 12284 and 12285, which exhibit consisted of proposed freight and passenger tariffs which were later published as Crowley Launch and Tug Boat Company's Local Freight Tariff No. 3, C.R.C. No. 5, and Local Passenger Tariff No. 3, C.R.C. No. 3. While the supplemental exhibits show that in a few instances property in lots of less than thirty tons has been transported, it must be observed that, with the exception of ship stores and fumigating gear, there were no rates in said Exhibit "A" nor in the tariffs subsequently filed pursuant to the issuance of the certificate of public convenience and necessity applicable to such shipments. Respondent's certificate is not restricted as to quantity to be transported, but rates for the transportation of property in lots of less than thirty tons (ship stores and fumigating gear excepted) were withheld for more than seven years after issuance of the certificate except for one rate between San Francisco and Mare Island which was published more than three years after issuance of the certificate.

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<sup>8</sup> Decision 16219 of March 17, 1926, in Applications 12284 and 12285 in re Application of Crowley Launch and Tug Boat Company, etc., 27 C. R.C. 734.

ERIKSON NAVIGATION COMPANY (a corporation)

Objection was made by other carriers to the proposed finding as it concerns operative rights of this respondent between San Francisco Bay Terminals on the one hand and Sacramento and Stockton on the other. They presented three exhibits (A-4, A-26 and A-27) to show shipments transported by Erikson Navigation Company between these points as disclosed by the latter carrier's original showing. These exhibits serve to point out that the showing of movements between these termini is not extensive. While Erikson Navigation Company's original showing (Exhibit 36) did not purport to include a complete record of all shipments, it was offered as "a good cross-section" and "fairly typical" of the operations of the company.

Respondent's operative rights are founded upon two certificates of public convenience and necessity and one prescriptive right. As more fully set forth in the proposed finding, one certificate authorizes the operation of certain vessels "serving the same points or landings" as were served by the Estate of John Erikson. The record is devoid of specific evidence as to the detailed character of operations conducted by the Estate of John Erikson, but it does indicate that the service rendered by Erikson Navigation Company subsequent to its acquisition of the certificate was the same as that previously given by John Erikson. In view of the similarity in service rendered by Erikson Navigation Company and its predecessor, a determination of the character and extent of the operative rights formerly possessed by John Erikson and acquired by respondent may be measured by the evidence of record respecting the operations of respondent. The second certificate, by its terms, does not authorize or enlarge any of the operating privileges of respondent "except to the extent of the service to Encinal Terminals in Alameda and between the San Francisco Bay points." The prescriptive right embraces only service between Delta points.

There is no showing of any transportation upon Upper Sacramento River nor of property in quantities of less than 20,000 pounds between San Francisco Bay Terminals on the one hand and Stockton and Sacramento on the other, and as pointed out by the new exhibits (Exhibits A-4, A-26 and A-27) respondent has shown a movement of only a limited number of commodities between San Francisco Bay Terminals on the one hand and Sacramento and Stockton on the other.

FAY TRANSPORTATION COMPANY  
(N. Fay and N. A. Fay, copartners)

Respondents urge that our original finding in this proceeding defining the nature and extent of their prescriptive right be supplemented to include the right to transport other commodities between points on the inland waters here involved.

In support of their position, a supplemental showing was made. Exhibit A-11, a statement of representative shipments transported from August 1, 1922, to December 31, 1936, shows that wool has been transported from Toland's Landing to San Francisco as well as from Dozier to Stockton. Potatoes and onions were moved from San Joaquin Delta points to San Francisco and Oakland and flour was handled from South Vallejo to Stockton. The exhibit also shows that other commodities were transported between various other points, none of which was shown to have been carried on or prior to August 17, 1923.

S. FREDRICKSON - GUSTAF OLSSON

Gustaf Olsson, who acquired the operative rights of S. Fredrickson after these proceedings had been instituted, testified that as captain of the gasoline power boat "Matilda" since 1923 he recalled having transported feed, grain, hay and shells between various points not included in the proposed finding. However, no records are available for operations prior to 1933, and the new testimony is not convincing that the proposed finding should be amended.

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PETER HANSEN

Respondent objects to the proposed finding in that it excludes the right to transport hay, straw, grain and mill stuffs from and to Sacramento and Upper Sacramento River points, the right to transport hay and straw to Lower San Francisco Bay points, and the right to transport hay and straw in lots of less than 100,000 pounds and grain and mill stuffs in lots of less than 80,000 pounds.

He testified that he had transported hay and grain from Sacramento or Upper Sacramento River points since 1929 and that he transported hay to Alviso since 1924 and to other Lower San Francisco Bay points including South San Francisco, South Shore Port and Redwood City. All of the foregoing movements took place subsequent to August 17, 1923, and cannot therefore be given consideration in determining the extent of prescriptive operative rights. It also appears that grain was not transported between Stockton and San Francisco prior to 1927. As to the minimum weight restriction on hay and straw, it was testified that in the conduct of respondent's business it is sometimes necessary to receive small lots at various landings in order to make up a load for a single consignee, but no new evidence was introduced to indicate that this practice is justified by operations in 1923 or prior thereto.

THE HARBOR TUG AND BARGE COMPANY (a corporation)

Objection was made by other carriers to the proposed finding in so far as it permits this respondent to transport property in lots of 20,000 pounds or more between points other than those on San Francisco, San Pablo and Suisun Bays. It was urged that the record in this case does not justify a prescriptive right to transport property in lots of less than 100 tons. Moreover, at the further hearing held at San Francisco on December 17, 1935, respondent conceded that it claimed no right to transport property in lots of less than 100 tons.

HERINGER AND SCOTT

(Howard Heringer and A. F. Scott, copartners)

Respondents object to the proposed finding that their prescriptive rights have been abandoned, and introduced Exhibits A-6 and A-7 showing transportation performed from January 1929, to October 1935. Witness for respondents had previously testified that no shipment was carried at tariff rates "during the five years last past," but the new exhibits and testimony contradict the previous evidence and indicate that numerous commodities have been transported in common carrier service since January, 1929.

In 1923 respondents transported grain, beans, lumber, machinery and agricultural implements. No grain or beans have been transported since January 1929, but there has been a movement of the other commodities between Delta points, and of machinery and agricultural implements from Delta points to Stockton. No weights are shown in connection with the new exhibits, but Exhibits 13 and 14 previously introduced show no movements in lots of less than 20,000 pounds. Moreover, a witness for respondents previously testified that they did not engage in transportation of less than carload commodities, and would not call for a shipment of less than 20,000 pounds.

HIGGINS TRANSPORTATION COMPANY (a corporation)

Objection was made to the proposed finding as it concerns this carrier, but it was not stated upon what grounds or to what extent the finding should be amended. No additional evidence was offered relative to traffic handled, and no reason appears for modifying the proposed finding.

ISLAND OIL TRANSPORTATION COMPANY

(Benjamin Walters, an individual)

Respondent objects to the proposed finding in that it excludes the right to transport fuel oil between various additional points. However, movements not covered by tariff can have little value

in establishing prescriptive operative rights. The proposed finding permits transportation between all points covered by this carrier's tariff in effect on August 17, 1923, except to destinations on the San Joaquin, Old and Mokelumne Rivers above the points previously named.

ISLAND TRANSPORTATION COMPANY  
(Benjamin Walters, an individual)

Respondent asserts that the proposed finding is too restrictive. Testimony was introduced relative to the movement of various commodities between various points, but much of this testimony was general in character and not specific as to when the movement occurred. Attention was directed to the fact that Exhibit 23, previously introduced, shows transportation of numerous commodities in 1923 between San Francisco Bay Terminals and Delta points. It was also testified that no property was transported between Sacramento and San Francisco Bay Terminals in the five years from 1921 to 1925 inclusive.

A. F. JOHNSTON

Objection was made by another carrier to the proposed finding as it concerns operative rights of A. F. Johnston from Upper Sacramento River points to Sacramento, Port Costa and San Francisco. Exhibit A-19 was introduced for the purpose of pointing out that respondent has shown movement from Upper Sacramento River points of only beans, onions and firewood to Sacramento, barley to Port Costa, and nothing to San Francisco. Of these the firewood was shown by previous testimony to have been Johnston's own property and consequently not transported in common carrier service, and the movement of barley took place in 1925.

On the other hand, respondent objects to the proposed finding as being too restrictive. He testified that his previously introduced exhibits were taken from incomplete records, and that he recalled transporting many commodities between various points not previously shown.

Much of the testimony was indefinite as to dates, however, and no evidence was introduced which is convincing that his 1923 operations justify more extensive prescriptive rights than those herein found.

Prior to 1919 he operated a tri-weekly vessel service between Sacramento and Upper Sacramento River points, apparently transporting a wide variety of commodities. The service was discontinued in that year upon application to and under authority of this Commission. The testimony suggests that respondent is of the mistaken belief that this abandoned service is of value in establishing prescriptive rights. A new service was established in 1920, and the tariff in effect in 1923 named rates on only a few commodities. Johnston further testified that he performed no common carrier service in 1935, and transported only one shipment in 1934.

LARKIN TRANSPORTATION COMPANY (a corporation)

The proposed finding as it concerns Larkin Transportation Company was objected to as too restrictive. In fact this carrier claims unrestricted operative rights upon all of the inland waters involved in this proceeding. The claimed rights were vigorously contested by other carriers, and more than 300 pages of the transcript are devoted to testimony concerning the operative rights possessed by Larkin Transportation Company. Exhibit A-8, showing freight handled during 1927, 1928, and 1930 to 1934 inclusive, was introduced by witness Larkin. He testified that records were not available for operations prior to 1927, or for the year 1929, but that the operations conducted in 1927 and subsequent years were substantially the same as those in 1923 and prior thereto. The exhibit does not include every shipment, nor every point between which shipments were transported. Upon request of the Commission respondent prepared other exhibits (A-10 and A-23) containing the same information as Exhibit A-8, but incorporating additional segregations. Exhibit A-23 shows shipments transported by Larkin Transportation Company in the years 1927, 1928, and 1930 to 1934

inclusive, with each shipment symbolized to indicate whether a tariff rate was available to cover the movement, whether the tariff rate was actually assessed, whether the shipment was handled for another common carrier, and similar information. Based upon this showing and upon the tariff test, the rights in the proposed finding should be modified to some extent.

MARINE SERVICE CORPORATION (a corporation)

Marine Service Corporation objects to the proposed finding in that it excludes the right to transport machinery and machinery parts from San Francisco to Sausalito, Tiburon, and vessels anchored in the stream at those points; canned goods from Sausalito, Tiburon, and vessels anchored in the stream at those points to San Francisco; and property between San Francisco and California City. Leslie N. Rudy, testifying for respondent, stated that to the best of his knowledge the San Rafael Freight and Transfer Company, Inc., performed these services from its inception, and that the only records available show that such services have been maintained since 1927.

Since 1920 respondent and its predecessors have continuously maintained rates applicable to transportation by vessel between San Francisco on the one hand and Sausalito and Tiburon on the other, and in view of the new testimony and in the absence of evidence of abandonment it should be found to possess a right to continue this service. The tariffs did not provide rates between San Francisco and California City until May 1926. Nor do these tariffs contain rates between San Rafael and Marin Meadows. It must be found, therefore, that this carrier does not possess operative rights between San Francisco and California City or between San Rafael and Marin Meadows.

MARTINEZ, BENICIA FERRY & TRANSPORTATION  
COMPANY (a corporation)

Respondent objects to the proposed finding in that it omits

the right to transport property not carried on vehicles. While the record heretofore contained no evidence of transportation of this deck freight, it now appears that such property has been occasionally transported under proper tariff authority for the past twenty-three years.

PETALUMA AND SANTA ROSA RAILROAD COMPANY  
(a corporation)

No objection was made to the proposed finding as it concerns this carrier.

Passenger service between San Francisco and Petaluma was discontinued and the tariff cancelled effective December 23, 1935, upon application to and under authority of this Commission. It should be found that the prescriptive right to transport passengers between San Francisco and Petaluma has been abandoned.

A review of respondent's tariffs shows that rates on grain and mill stuffs between Port Costa and South Vallejo on the one hand and Petaluma on the other were cancelled on September 1, 1931, and re-established as to South Vallejo on August 15, 1932, and as to Port Costa on November 1, 1933. It must be held that the prescriptive right to transport grain and mill stuffs between Port Costa and South Vallejo on the one hand and Petaluma on the other has been abandoned.

E. V. RIDEOUT

Respondent objects to the proposed finding in that it excludes the right to transport property between certain additional points, but no evidence of probative value was introduced in support of his claim for broader prescriptive rights.

RIO VISTA LIGHTERAGE COMPANY, INC.  
(a corporation)

Other carriers object to the proposed finding as it concerns operative rights of this carrier, particularly between San Francisco Bay Terminals on the one hand and Sacramento and Stockton on the other.

Exhibit A-17 was introduced for the purpose of pointing out that between San Francisco Bay Terminals and Sacramento respondent has shown no movement of traffic for the years 1920 to 1923 inclusive, the movement of only sheep downstream and lumber upstream for the years 1920 to 1925 inclusive, and the movement of only sheep, beans and barley downstream and lumber upstream for the years 1920 to 1934 inclusive. Exhibit A-18 was introduced for the purpose of pointing out that between San Francisco Bay Terminals and Stockton respondent has shown the movement of no commodity other than whole grain for the period from 1920 to 1934 inclusive, with the exception of one shipment of bags in 1926 and one of lumber in 1933. Exhibit A-28 contains approximately the same information as Exhibits A-17 and A-18, and in addition serves to point out the extent of respondent's showing between San Francisco Bay Terminals, between Lower San Francisco Bay and all other points, and between San Francisco Bay Terminals on the one hand and Upper San Francisco Bay, San Pablo Bay and Suisun Bay points on the other hand.

Respondent's original showing, confined principally to its Exhibits 27, 28 and 29, was accompanied by the explanation that the record of operations prior to 1926 was not complete. However, there is in this record no evidence of movements other than those contained in these exhibits.

THE RIVER LINES (Unified operation of respondents  
The California Transportation Company, Fay  
Transportation Company, N. Fay, N. A. Fay  
and Sacramento Navigation Company)

No objection was made to the proposed finding as it concerns these respondents, and no additional evidence was introduced. Through inadvertence the proposed finding made no reference to the certificate of public convenience and necessity granted to Hunt-Hatch & Company for the transportation of property "upon the inland waters of the State of California between Berkeley on the one hand and on the other

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points on the Sacramento, San Joaquin, Mokelumne, Old and Middle Rivers and the tributaries thereof.<sup>9</sup> There is no indication in the record that this certificate has been abandoned. It should be found that the operative right which The River Lines purchased from Hunt-Hatch Transportation Company<sup>10</sup> includes the right to transport property from and to Berkeley.

SACRAMENTO NAVIGATION COMPANY (a corporation)

Respondent objects to the proposed finding in that it excludes the right to transport grain and grain products from Sacramento to South Vallejo and Port Costa, and from Port Costa to San Francisco Bay Terminals; and in that it fixes a minimum weight in connection with the right to transport grain.

Exhibit A-3 was introduced for the purpose of showing that in 1923 this carrier was engaged in transporting grain from Sacramento to South Vallejo and Port Costa, and from Port Costa to San Francisco, and it was testified that the movement of grain between said points has been continued up to the present time. No movement of grain products between these points was shown, either by exhibit or testimony.

Attention was directed to the fact that on April 15, 1925, respondent was granted a certificate of public convenience and necessity to operate between points on the Sacramento River and its tributaries then served, on the one hand, and points on the western waterfront and estuary waterfront, in the City of Alameda, on the Oakland estuary, on the other hand.<sup>11</sup> However, a review of respondent's tariffs shows that rates were not filed in compliance with the order

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<sup>9</sup> Decision No. 16548 of April 23, 1926, in Application No. 15428, in re Application of Hunt-Hatch & Company, etc., 28 C.R.C. 61.

<sup>10</sup> Decision No. 24790 of May 23, 1932, in Application No. 18094, in re Application of Hunt-Hatch Transportation Company and The River Lines, etc., 37 C.R.C. 522.

<sup>11</sup> Decision No. 14802 of April 15, 1925, in Application 10843, in re Application of Sacramento Navigation Company, etc., 26 C.R.C. 321.

by which this certificate was granted. Respondent first provided rates on property between the points covered by the certificate on January 1, 1928. Under these circumstances it must be held that respondent did not comply with the terms of the order granting the certificate, and the certificate should therefore be revoked and annulled.

With respect to the minimum weight of 80,000 pounds provided in the proposed finding in connection with the transportation of grain, respondent pointed out that its tariff in effect on August 17, 1923, was silent as to minimum. It was testified such a minimum as a condition attached to an operative right might make it impossible to meet competition of other carriers, and it was stated to be respondent's position that it possesses both less than carload and carload prescriptive rights for the transportation of grain. This position is not justified by the record except in so far as the right to transport grain is included in the right herein found to transport all property. On the other hand it has been shown that in 1923 this carrier transported shipments of grain in lots as small as 30,000 pounds under proper tariff authority. The record does not indicate that this carrier has withdrawn from any transportation service so far as grain is concerned.

MARTIN SCHEMIDT (Martin Schmidt and  
Nels Schmiat, copartners)

Respondents object to the proposed finding in that it excludes the right to transport certain commodities and certain territory. Exhibit A-14 was introduced for the purpose of showing shipments handled from 1923 to 1934 inclusive, and it was testified that this exhibit does not include all shipments. Except that a movement of straw is shown in addition to hay, no evidence was offered, either by exhibit or testimony, which would justify amending the proposed findings.

SOUTHERN PACIFIC GOLDEN GATE FERRIES, LTD.

An additional showing was made by this carrier at the further

hearings, particularly with respect to its operative rights between San Francisco on the one hand and Sausalito and Tiburon on the other.

In addition to vehicles, passengers in vehicles and freight on vehicles it appears that deck freight and foot passengers have also been transported between San Francisco (Hyde Street) and Sausalito under tariffs lawfully on file with the Commission. On the other hand, deck freight has not been transported between San Francisco and Tiburon.

SUCCESS TOWAGE AND TRANSPORTATION COMPANY  
(Mrs. Adelia Peterson, an individual)

Respondent objects to the proposed finding in that it excludes the right to transport explosives, but it appears that explosives have been handled in the past six or seven years only, and were not transported at all in 1923. This unauthorized transportation service cannot be urged as establishing a prescriptive right.

VEHMEYER TRANSPORTATION CO. OR COMPANY,  
(R. H. VEHMEYER)

Objection was made by another carrier to the proposed finding in Decision No. 28282 of October 14, 1935, in Case No. 4012, as it concerns operative rights of Vehmeyer Transportation Company (R. H. Vehmeyer) between San Francisco Bay Terminals and Stockton. Exhibit A-16 was introduced to show that the only movements between these points as contained in respondent's Exhibit 2 (covering the years 1923 to 1934 inclusive) were bags, bone meal and lumber from San Francisco to Stockton, grain and wool from Stockton to San Francisco, and grain from Stockton to Oakland. Of these, the wool first moved in 1927 and the bone meal first moved in 1931. The broadest right for transportation between San Francisco Bay terminals and Stockton, which may be found on this record, is for the transportation of bags and lumber from San Francisco to Stockton, and grain from Stockton to San Francisco and Oakland.

Respondent directed attention to the fact that a certificate of public convenience and necessity is held for the operation of vessels for the transportation of property "between landings on the Sacramento and San Joaquin Rivers and tributaries thereof, and the Encinal Terminals located in the City of Alameda, on the Oakland estuary."<sup>12</sup> However, Exhibit 2, showing all shipments transported during the first three days of each month in 1923 and 1934, as well as a statement of shipments differing from those moving on those particular days, either as to commodity, origin or destination, does not indicate that any property was transported from or to Encinal Terminals. Moreover this exhibit, when introduced, was said to reflect correctly Vehmeyer's operations from 1923 to the time he discontinued operation. On this record it must be held that respondent has abandoned the certificated right heretofore granted, and the certificate should be revoked and annulled.

WEYL-ZUCKERMAN AND COMPANY  
(MERCHANTS TRANSPORTATION COMPANY, a corporation)

Respondent objects to the proposed finding in that it omits a right to operate a common carrier service between Delta points on the one hand and San Francisco Bay points on the other. Previous testimony had indicated abandonment of this service. A witness for this carrier testified that there has been no abandonment, and Exhibits A-15, A-30, A-31, A-32 and A-33 were introduced to show the tonnage handled in 1928 and in the years 1930 to 1935 inclusive. Records of operations prior to 1928 were not available, but it had been previously testified that movements between San Francisco and Delta points once represented a substantial part of their transportation business. The new exhibits, together with explanatory testimony, show that in the

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<sup>12</sup> Decision No. 15062 of June 15, 1925, in Application 11071, in re Application of R. E. Vehmeyer, etc., unreported.

last six years potatoes, onions, carrots and barley have been transported downstream, and fertilizer, bags, lumber, pipe and automobiles upstream. The lumber and pipe movements consisted of one shipment of each in 1932, and the automobiles were transported only in 1935.

M. S. DOROTHEA (WOOD & SEITZ)  
(P. F. Wood and R. W. Seitz, copartners)

Objection was made to the proposed finding as it concerns these respondents, but it was not stated upon what grounds or to what extent the finding should be amended, and no additional evidence was offered.

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No objection was made to the proposed findings as they affect respondents W. J. Albach, Thiemann and Johnston, H. J. Thiemann, S. Johnston, Oakley and Allen Boat Company, Frank Oakley, Egbert Allen, George Wallenrod, George Wallenrod Estate and George Wallenrod Company, Denis O'Donoghue, E. H. Warren and David L. Peters, copartners, doing business as Anderson Transportation Company, Bay Cities Transportation Company, Bay Shore Freight Lines, Inc., Frank Brown, The California Transportation Company, William Colberg and Henry J. Colberg, copartners, doing business as Colberg Motor Boats, Benjamin Walters, doing business as Delta Transportation Co., William A. McCauley, doing business as Empire Barge Company, Frank Foppiano, Freighters, Inc., John W. Myer, doing business as John W. Myer Transportation Company, John Nickols and Henry Nickols, copartners, doing business as Nickols Transportation Company, The Richmond and San Rafael Ferry and Transportation Company, G. B. Lauritzen, H. P. Lauritzen and N. P. Bush, copartners, doing business as Richmond Navigation and Improvement Company, and H. A. Troberg, nor was additional evidence offered by any of these respondents. An appropriate order will be entered consistent with the findings and conclusions reached in Decisions Nos. 28282 and 28283.

As to respondents Higgins Transportation Company; Benjamin Walters, doing business as Island Oil Transportation Company; Benjamin Walters, doing business as Island Transportation Company; Larkin Transportation Company; Elmer M. Gormsen and H. E. Hansen, copartners, doing business as Stockton Transportation Company; Vehmeyer Transportation Company, R. H. Vehmeyer; and P. F. Wood and R.W. Seitz, copartners, doing business as M. F. Dorothea, we find upon this record that on December 16, 1934, their operative rights were as set forth in Appendix A attached to the order herein.

As to all other respondents we find upon this record that on January 16, 1936, their operative rights were as set forth in Appendix A attached to the order herein.

#### O R D E R

These matters having been duly heard and submitted and basing this order upon the findings and conclusions contained in the preceding opinion

IT IS HEREBY ORDERED that respondents Alameda Transportation Company; W. J. Albach; Carl Anderson; Denis O'Donoghue, E.H. Warren and David L. Peters, copartners, doing business as Anderson Transportation Company; Bay Cities Transportation Company; Bay Shore Freight Line, Inc.; Bay Transport Company; John M. Atthowe, an individual, doing business as Berkeley Transportation Company; Frank Brown; The California Transportation Company; William Colberg and Henry J. Colberg, copartners, doing business as Colberg Motor Boats; Crowley Launch and Tugboat Company; Benjamin Walters an individual doing business as Delta Transportation Co.; William A. McCauley, an individual doing

business as Empire Barge Company; Erikson Navigation Company; N. Fay and N. A. Fay, copartners, doing business as Fay Transportation Company; Frank Foppiano; Freighters, Inc.; Gustaf Olsson; Peter Hansen; The Harbor Tug and Barge Company; Howard Heringer and A. F. Scott, copartners, doing business as Heringer and Scott; Higgins Transportation Company; Benjamin Walters, an individual, doing business as Island Oil Transportation Company; Benjamin Walters, an individual doing business as Island Transportation Company; A. F. Johnston; Larkin Transportation Co. Inc.; Marine Service Corporation; Martinez, Benicia Ferry & Transportation Company; John W. Meyer, an individual doing business as John W. Meyer Transportation Company; John Nickols and Henry Nickols, copartners, doing business as Nickols Transportation Company; Frank Oakley and Egbert Allen, copartners, doing business as Oakley and Allen Boat Company; Petaluma and Santa Rosa Railroad Company; The Richmond and San Rafael Ferry and Transportation Company; G. B. Lauritzen, H. P. Lauritzen and N. P. Bush, copartners, doing business as Richmond Navigation and Improvement Company; E. V. Rideout; Rio Vista Lighterage Company, Inc.; The River Lines; Sacramento Navigation Company; Martin Schmidt and Nels Schmidt, copartners, doing business as Martin Schmidt; Southern Pacific Golden Gate Ferries, Ltd.; Elmer M. Gormsen and H. E. Hansen, copartners doing business as Stockton Transportation Company; Mrs. Adelia Peterson, an individual, doing business as Success Towage and Transportation Company; H. J. Thiemann and S. Johnston, copartners, doing business as Thiemann and Johnston; E. A. Troberg; Vehmeyer Transportation Company, R. H. Vehmeyer; George Wallenrod; George Wallenrod Estate; George Wallenrod Company; Weyl-Zuckerman and Company and Merchants Transportation Company; P. F. Wood and R. W. Seitz, copartners doing business as M. S. Dorothea (Wood and Seitz), be and they are and each of them is hereby directed on or before the effective date of this order to cease and desist and thereafter abstain from transporting

persons or property as common carriers on the inland waters here involved except to the extent they are and each of them is lawfully entitled to engage in such transportation as shown by Appendix A attached hereto and by this reference made a part hereof.

IT IS HEREBY FURTHER ORDERED that all tariffs and schedules filed by respondents W. J. Albach; Frank Oakley and Egbert Allen, co-partners, doing business as Oakley and Allen Boat Company; H. J. Thiemann and S. Johnston, doing business as Thiemann and Johnston; George Wallenrod, George Wallenrod Estate; and George Wallenrod Company, be and they are hereby cancelled.

IT IS HEREBY FURTHER ORDERED that all respondents named in the first ordering paragraph of this order other than those named in the second ordering paragraph of this order and which are found by this order to hold operative rights be and they are hereby directed to re-issue or amend their tariffs within sixty (60) days from the effective date of this order on full statutory notice so as to conform to the respective operative rights set forth in Appendix A hereof.

IT IS HEREBY FURTHER ORDERED that the certificates of public convenience and necessity heretofore granted for vessel operations to Alameda Transportation Company, Bay Transport Company, Crowley Launch and Tugboat Company, Erikson Navigation Company, S. Fredrickson, The Harbor Tug and Barge Company, Benjamin Walters doing business as Island Transportation Company, Marine Service Corporation, Petaluma and Santa Rosa Railroad Company, Sacramento Navigation Company, E. A. Troberg and R. H. Vehmeyer be and they are hereby revoked and annulled except to the extent that each of said carriers (or their successors in interest) is lawfully entitled to engage in transportation as set forth in Appendix A hereof.

IT IS HEREBY FURTHER ORDERED that this order shall define operative rights as of January 16, 1936, except as to Benjamin Walters,

doing business as Delta Transportation Co.; Higgins Transportation Company; Benjamin Walters, doing business as Island Oil Transportation Company; Benjamin Walters, doing business as Island Transportation Company; Larkin Transportation Company; Elmer M. Gormsen and H. E. Hansen, copartners, doing business as Stockton Transportation Company; Vehmeyer Transportation Company, R. H. Vehmeyer; and P. F. Wood and R. W. Seitz, copartners, doing business as M.S. Dorothea, as to which respondents it shall define operative rights as of December 16, 1934.

The effective date of this order shall be thirty (30) days from the date hereof.

Dated at San Francisco, California, this 24<sup>th</sup> day of May, 1937.

Leon Whitley  
Frank R. Seaton  
Rafaela Seaton  
Ray L. Seaton  
Commissioners.

APPENDIX A

DEFINING OPERATING RIGHTS OF COMMON CARRIERS  
BY VESSEL FOR THE TRANSPORTATION OF  
PERSONS AND PROPERTY

BETWEEN POINTS

ON SAN FRANCISCO, SAN PABLO AND SUISUN BAYS,  
SAN JOAQUIN, SACRAMENTO AND NAPA RIVERS,  
PETALUMA CREEK AND THEIR TRIBUTARIES

ALAMEDA TRANSPORTATION COMPANY (a corporation)

Property on the gas power boat "Jessie Matsen," between San Francisco on the one hand and all points on the Oakland estuary including all shipyards on the other.

CARL ANDERSON

An "on call" service for the transportation of hay and straw in lots of not less than 100,000 pounds:

1. Between points on the San Francisco waterfront.
2. From Delta, Suisun Bay and San Pablo Bay points to San Francisco and Oakland.
3. From Sacramento Delta points to Petaluma and San Rafael.
4. From Sacramento River points to San Quentin.
5. From Redwood City, Petaluma and Sacramento to San Francisco.
6. From Sacramento to Oakland.
7. From San Francisco to Angel Island; an "on-call" service for the transportation of grain in lots of not less than 80,000 pounds between Sonoma Creek and San Francisco.

ANDERSON TRANSPORTATION COMPANY (Denis O'Donoghue, E. H. Warren and David L. Peters, copartners)

An "on call" service for the transportation of hay in lots of not less than 100,000 pounds:

1. Between points on the San Francisco waterfront.
2. From Lower San Francisco Bay, San Pablo Bay, Suisun Bay and Sacramento Delta points to San Francisco.

BAY CITIES TRANSPORTATION COMPANY (a corporation)

Property between San Francisco on the one hand and Oakland and Alameda on the other.

BAY SHORE FREIGHT LINES, INC. (a corporation)

Property between San Francisco, Oakland and Alameda on the one hand and Port South Shore on the other.

BAY TRANSPORT COMPANY (a corporation)

Sugar from Crockett to San Francisco, Oakland and Richmond; refinery supplies from San Francisco to Crockett; and sugar in packages in lots of not less than 100 tons from Crockett to Mare Island.

BERKELEY TRANSPORTATION COMPANY  
(John M. Atthowe, an individual)

Property between San Francisco on the one hand and Berkeley, Emeryville and San Quentin Prison on the other, and property in "on call" service between San Francisco and Oakland.

FRANK BROWN

An "on call" service for the transportation of property between Delta points, Clarksburg and south.

THE CALIFORNIA TRANSPORTATION COMPANY (a corporation)

The operative rights set forth in the proposed finding in Decision No. 28283, October 14, 1935.

COLBERG MOTOR BOATS (William Colberg and Henry J. Colberg, copartners)

The operative rights set forth in the proposed finding in Decision No. 28283, October 14, 1935.

CROWLEY LAUNCE AND TUGBOAT COMPANY (a corporation)

In "on call" service for the transportation of property in lots of not less than thirty tons between points on the inland waters involved in these proceedings, except that no service shall be rendered to or from Upper Sacramento River points, nor between points on San Francisco, San Pablo and Suisun Bays on the one hand and Sacramento or Stockton on the other, nor between Sacramento and Stockton. Ship stores and fumigating gear in any quantity lots may be transported between San Francisco on the one hand and wharves in San Francisco and Oakland and vessels in the stream on the other. A certificated right is also held for the transportation of passengers between San Francisco on the one hand and vessels in the stream, Oakland, Alameda, Point Orient, Point San Pablo, Sausalito, California City and Richmond on the other.

EMPIRE BARGE COMPANY (William A. McCauley, an individual)

An "on call" service for the transportation of property:

1. Between Delta points.
2. Between Delta points on the one hand and Stockton and Sacramento on the other.
3. Grain in lots of not less than 80,000 pounds from San Joaquin Delta to Port Costa.

ERIKSON NAVIGATION COMPANY (a corporation)

An "on call" service for the transportation of property between Delta Points.

An "on call" service for the following transportation, with the restriction that said service may be rendered only in accordance with the certificate granted in Decision No. 13566 of May 17, 1924, in Application 10001 (24 C.R.C. 922).

1. Property between Delta points on the one hand and Sacramento, Stockton, San Francisco Bay Terminals, Suisun Bay points (excluding points on tributaries), and points on the Contra Costa County shore of San Pablo Bay, on the other hand.

2. Property between San Francisco Bay Terminals on the one hand and Suisun Bay points (exclusive of points on tributaries), Vallejo, Mare Island, and points on the Contra Costa County shore of San Pablo Bay on the other hand.

3. Property between San Francisco Bay points; between Suisun Bay points (exclusive of points on tributaries); and between points on the Contra Costa County shore of San Pablo Bay.

4. Property between Suisun Bay points (exclusive of points on tributaries) on the one hand and points on the Contra Costa County shore of San Pablo Bay on the other hand.

5. Cement between San Francisco Bay Terminals on the one hand and Suisun and Mallard Slough on the other hand.

6. Flour and mill stuff, in lots of not less than 20,000 pounds, between Stockton on the one hand and Port Costa and Vallejo on the other hand; and between Port Costa and Vallejo.

7. Grain and mill feed between Sacramento and Stockton on the one hand and Petaluma, Port Costa and Vallejo on the other hand; and between Port Costa and Vallejo.

8. Grain and mill feed, in lots of not less than 20,000 pounds, between Petaluma on the one hand and San Francisco Bay points, Sacramento, Stockton, Port Costa, Vallejo, Suisun, points on Sonoma Creek and Montezuma Slough and Delta points on the other hand; between San Francisco Bay Terminals on the one hand and points on Sonoma Creek on the other hand; between Delta points and Vallejo; and between Port Costa on the one hand and Alviso and Warm Springs on the other hand.

9. Hay and straw, in lots of not less than 20,000 pounds, between San Francisco Bay Terminals on the one hand and Napa, Suisun, and points on Sonoma Creek, Petaluma Creek, Novato Creek and Montezuma Slough on the other hand; and between Petaluma on the one hand and San Francisco Bay points, Sacramento, Stockton, Napa, Suisun, Benicia, Martinez, Vallejo, Delta points, and points on Sonoma Creek, Novato Creek, Petaluma Creek and Montezuma Slough on the other hand.

10. Lumber, in lots of not less than 20,000 feet board measure, between San Francisco Bay Terminals on the one hand and Petaluma and Napa on the other hand; and between Stockton and Port Chicago (formerly Bay Point).

11. Grain, hay and straw, each in lots of not less than 20,000 pounds, from Sacramento to San Francisco Bay Terminals; grain and potatoes, each in lots of not less than 20,000 pounds, from Stockton to San Francisco and Oakland; and bags, fertilizer, fertilizer materials, grain, grain products and lumber, each in lots of not less than 20,000 pounds, from San Francisco to Stockton.

FAY TRANSPORTATION COMPANY (N. Fay and  
N. A. Fay, copartners)

An "on call" service for the following transportation:

1. Beans (in lots of not less than 20,000 pounds), between Delta points; from Delta points to San Francisco and Sacramento; and from Sacramento and Upper Sacramento River points (Monroeville and below) to San Francisco.

2. Potatoes and onions (in lots of not less than 20,000 pounds), from San Joaquin Delta points to San Francisco and Oakland.

3. Flour (in lots of not less than 20,000 pounds) from Vallejo to Stockton.

4. Grain (in lots of not less than 20,000 pounds) between Delta points; from San Francisco to Lower Sacramento River points; from Port Costa to Petaluma and San Francisco Bay Terminals; from Upper Sacramento River points, Sacramento and Delta points on the one hand to Port Costa, Petaluma, Vallejo, Stockton, Sacramento, San Francisco and Oakland on the other hand (except that grain may not be transported from points north of Natomas Tract to Oakland); and from Dutton's Landing and Grizzly to Port Costa.

5. Wool, from Dozier to Stockton and from Toland's Landing to San Francisco.

FRANK FOPPIANO

Passengers and property between San Francisco and vessels in the stream.

S. FREDRICKSON- GUSTAF OLSSON

The operative rights set forth in the proposed finding in Decision No. 28283, October 14, 1935.

FREIGHTERS, INC. (a corporation)

The operative rights of Benjamin Walters, doing business

as Delta Transportation Co.; Higgins Transportation Company; Benjamin Walters, doing business as Island Oil Transportation Company; Benjamin Walters, doing business as Island Transportation Company; Larkin Transportation Company; Elmer M. Gornsen and H. E. Hansen, copartners, doing business as Stockton Transportation Company; Vehmeyer Transportation Company, R. H. Vehmeyer; and P. F. Wood and R. W. Seitz, copartners doing business as M. S. Dorothea, as determined in these proceedings to the extent such rights may have been lawfully acquired by authority of Decision No. 27592 of December 17, 1934, in Application No. 19728.

PETER HANSEN

An "on call" service for the transportation of:

1. Farm implements and tractors in lots of not less than 20,000 pounds between Delta points.
2. Lumber in lots of not less than 20,000 pounds from San Francisco and Oakland to Stockton and to San Pablo Bay points other than points on Sonoma Creek.
3. Hay and straw in lots of not less than 100,000 pounds from Lower Sacramento River points and Sacramento Delta points to San Pablo Bay points located on the Contra Costa County shore, and to San Francisco Bay points other than South San Francisco and Lower San Francisco Bay points.
4. Grain in lots of not less than 80,000 pounds from Lower Sacramento River points and Sacramento Delta points to San Francisco, Port Costa, San Joaquin River points, and San Joaquin Delta points, and from Port Costa to San Joaquin River points and San Joaquin Delta points.

THE HARBOR TUG AND BARGE COMPANY (a corporation)

A general launch, barge, tug and towboat business in "on call" service for the transportation of passengers between points on San Francisco and San Pablo Bays and for the transportation of property between points on San Francisco, San Pablo and Suisun bays and for the transportation of property in lots of not less than 100 tons between all other points involved in these proceedings.

HERINGER AND SCOTT (Howard Heringer and  
A. F. Scott, copartners)

An "on call" service for the transportation, in lots of not less than 20,000 pounds, of lumber, machinery and agricultural implements between Delta points, and of machinery and agricultural implements from Delta points to Stockton.

HIGGINS TRANSPORTATION COMPANY (a corporation)

An "on call" service for the transportation of property:

1. Between Delta points.
2. Between Delta points and Stockton.
3. Between Delta points on the one hand and San Francisco and Richmond on the other hand.

ISLAND OIL TRANSPORTATION COMPANY  
(Benjamin Walters, an individual)

An "on call" service for the transportation of fuel oil in bulk from Oleum, Pittsburg, Martinez and Port Costa to Stockton, Sacramento, San Joaquin River and tributaries, Mokelumne River and tributaries, Old River and tributaries, and Sacramento River below Sacramento and tributaries, and from Oleum to Pittsburg, Napa and Rodeo.

ISLAND TRANSPORTATION COMPANY  
(Benjamin Walters, an individual)

An "on call" service for the transportation of:

1. Property between Delta points, and between Delta points on the one hand and Stockton, Sacramento and San Francisco Bay Terminals other than South San Francisco on the other hand.
2. Grain in lots of not less than 80,000 pounds between Delta points and Stockton on the one hand and Port Costa, South Vallejo and Petaluma on the other hand.
3. Mill stuffs in lots of not less than 80,000 pounds between Delta points and Stockton on the one hand and Port Costa and South Vallejo on the other hand; between Stockton and Petaluma; and between Lower Sacramento River points and San Joaquin River points on the one hand and Petaluma on the other hand.
4. Coal, flour, grain, mill stuff, hay, straw, lumber, rice, tanbark and vegetables, each in lots of not less than 20,000 pounds, and bags in any quantity between Stockton and San Francisco Bay Terminals other than South San Francisco.

A. F. JOHNSTON

An "on call" service for the transportation of:

1. Beans and onions in lots of not less than 20,000 pounds from Upper Sacramento River points (Grimes and below) to Sacramento.
2. Grain, paddy rice, potatoes and onions in lots of not less than 20,000 pounds, from Delta points to Sacramento.

3. Grain in lots of not less than 80,000 pounds, and beans in lots of not less than 20,000 pounds from Delta points to Port Costa and San Francisco.

4. Potatoes and onions in lots of not less than 20,000 pounds from Lower Sacramento River points to Port Costa and San Francisco.

LARKIN TRANSPORTATION COMPANY (a corporation)

An "on call" service for the transportation, in lots of not less than 20,000 pounds, of:

1. Property between Delta points, and between Delta points on the one hand and San Francisco and Sacramento on the other; also between San Francisco on the one hand and Oakland and Richmond on the other.

2. Petroleum products between Oleum on the one hand and San Francisco, Richmond, Martinez and Lower Sacramento River points on the other; between Richmond on the one hand and Vallejo, Port Costa, Pittsburg, Martinez and San Joaquin Delta points on the other; and between San Francisco on the one hand and Avon and Martinez on the other.

3. Lumber between Oakland and Sacramento Delta points, and between San Francisco on the one hand and Oleum and Bay Point on the other.

4. Empty carriers between Oakland and Oleum and between Richmond and Pittsburg.

5. Bags between San Francisco and Port Costa; cement and machinery between Oakland and Goat Island; fertilizer between Berkeley and Delta points; onions between Delta points and Stockton; potatoes between Delta points on the one hand and Stockton and Oakland on the other; and ship stores between San Francisco and Sausalito.

An "on call" service for the following transportation, in lots of not less than 80,000 pounds:

1. Grain, between Petaluma on the one hand and Delta points, Port Costa and Sacramento on the other; between South Vallejo on the one hand and Sacramento and Sacramento Delta points on the other; between Port Costa on the one hand and San Francisco, South Vallejo, Sacramento and Delta points on the other; between Oakland on the one hand and Sacramento Delta points, Fort Baker and Angel Island on the other; and from Sacramento to San Francisco and Oakland.

MARINE SERVICE CORPORATION (a corporation)

A certificated right to render an "on call" service for the transportation of property by vessel between San Francisco and Marin Meadows; a prescriptive right to transport property by vessel between San Francisco and San Rafael; and a prescriptive right to render an "on call" service for the transportation of machinery and machinery

parts from San Francisco to Sausalito, Tiburon, and vessels in the stream at those points, and of canned fish from Sausalito, Tiburon and vessels in the stream at those points to San Francisco.

MARTINEZ, BENICIA FERRY & TRANSPORTATION COMPANY  
(a corporation)

Passengers, property, vehicles, and property loaded on vehicles between Martinez and Benicia.

JOHN W. MYER TRANSPORTATION COMPANY  
(John W. Myer, an individual)

Potatoes and onions from Delta points to Stockton.

NICKOLS TRANSPORTATION COMPANY  
(John Nickols and Henry Nickols, copartners)

An "on call" service for the transportation of:

1. Potatoes from Delta points to Sacramento and San Francisco and between Delta points on the one hand and Stockton on the other.
2. Grain from Delta points to Petaluma, Stockton, Port Costa and Oakland in quantities of not less than 80,000 pounds.
3. Livestock from Delta points to San Francisco and Sacramento.

PETALUMA AND SANTA ROSA RAILROAD COMPANY  
(a corporation)

1. A prescriptive right to transport property between San Francisco and Petaluma.
2. A certificated right to transport grain and mill stuff in carload lots in "on call" service between Oakland, Alameda, Berkeley and Richmond on the one hand and Petaluma on the other.

THE RICHMOND AND SAN RAFAEL FERRY AND  
TRANSPORTATION COMPANY (a corporation)

Passengers, property, vehicles, and property loaded on vehicles between Point Richmond and Point San Quentin.

RICHMOND NAVIGATION AND IMPROVEMENT COMPANY  
G. B. Lauritzen, H. P. Lauritzen and  
N. P. Bush, copartnership)

Property between San Francisco and Richmond.

E. V. RIDEOUT

A certificated right to transport property between San Francisco and Mare Island Navy Yard; a prescriptive right to render an "on call" service for the transportation of property between San Francisco on the one hand and Vallejo, points located on the Contra Costa County shore of San Pablo Bay, and points on Suisun Bay (but not tributaries thereof) on the other hand; and a prescriptive right to render an "on call" service for the transportation of lumber in lots of not less than 20,000 pounds between San Francisco and points on San Pablo Bay (but not tributaries thereof).

RIO VISTA LIGHTERAGE COMPANY, INC.  
(a corporation)

An "on call" service for the transportation of:

1. Property between Delta points; and between Delta points on the one hand and Sacramento, Stockton, San Francisco, Berkeley, Richmond, Suisun Bay points (excluding points on tributaries), and points on the Contra Costa County shore of San Pablo Bay on the other hand.
2. Beans, peas, potatoes, onions and cordwood in any quantity, and grain in lots of not less than 20,000 pounds, between Delta points on the one hand and Upper Sacramento River points on the other hand.
3. Grain, lumber, mill feed, paddy rice, hay and straw between Lower Sacramento River points on the one hand and Upper Sacramento River points on the other hand.
4. Grain and mill feed in lots of not less than 20,000 pounds between San Joaquin River and Lower Sacramento River points on the one hand and South Vallejo and San Pablo Bay points (excluding points on tributaries other than Petaluma Creek) on the other hand.
5. Grain in lots of not less than 80,000 pounds, and livestock in any quantity, between Delta points and Oakland.
6. Grain in lots of not less than 20,000 pounds from Stockton to San Francisco, Oakland, Berkeley and Richmond.
7. Grain, mill feed, hay and straw, all in lots of not less than 20,000 pounds, between Delta points and Petaluma.
8. Hay and straw in lots of not less than 20,000 pounds between Delta points on the one hand and San Pablo Bay points (excluding points on tributaries other than Petaluma Creek) on the other hand.
9. Hay, straw, lumber, onions, potatoes and fresh vegetables, all in lots of not less than 20,000 pounds, between Delta points on the one hand and Oakland and Alameda on the other hand.
10. Beans, peas, onions and potatoes between Lower Sacramento River points and Petaluma.

11. Beans, peas, potatoes and onions between Lower Sacramento River points on the one hand and San Pablo Bay points (excluding points on tributaries other than Petaluma Creek) on the other hand.

12. Canned goods in lots of not less than 100,000 pounds; rice in lots of not less than 20,000 pounds; and grain and mill feed in lots of not less than 20,000 pounds, between San Joaquin River points and Lower Sacramento River points on the one hand and Oakland on the other hand.

13. Coal in lots of not less than 100,000 pounds between San Joaquin River points and Lower Sacramento River points on the one hand and Oakland and Alameda on the other hand.

THE RIVER LINES (Unified operation of respondents)

The California Transportation Company, Fay  
Transportation Company, N. Fay, N. A. Fay and  
Sacramento Navigation Company

1. The operative rights set forth in Decision No. 28283, October 14, 1935, in Case No. 3824.

2. Property from and to Berkeley, as authorized by certificate of public convenience and necessity granted to Hunt Hatch & Company in Decision No. 16548 of April 23, 1926, in Application No. 15428, in re Application of Hunt Hatch & Company, etc., 28 C.R.C. 61.

SACRAMENTO NAVIGATION COMPANY  
(a corporation)

Property between San Francisco and Sacramento on the one hand and Upper Sacramento River points to and including Fremont and Monroeville on the other, and between San Francisco and Sacramento; also grain in lots of not less than 30,000 pounds from Upper Sacramento River points and Sacramento to South Vallejo and Port Costa, and from Port Costa to San Francisco.

MARTIN SCHMIDT (Martin Schmidt and  
Nels Schmidt, copartners)

An "on call" service for the transportation of hay and straw in lots of not less than 100,000 pounds from Delta points to San Francisco, South San Francisco and Lower San Francisco Bay points.

SOUTHERN PACIFIC GOLDEN GATE FERRIES, LTD.

1. Between San Francisco (Ferry Building) and Oakland Mole, vehicles, passengers in vehicles, freight on vehicles, and newspapers.

2. Between San Francisco (Ferry Building) and Broadway, Oakland, vehicles, passengers in vehicles, freight on vehicles, deck freight and foot passengers.

3. Between San Francisco (Ferry Building) and Alameda pier, vehicles, passengers in vehicles and freight on vehicles.

4. Between San Francisco (Ferry Building) and Richmond pier, vehicles, passengers in vehicles, freight on vehicles, foot passengers and newspapers.

5. Between San Francisco (Ferry Building) and Sausalito, vehicles, passengers in vehicles and freight on vehicles.

6. Between San Francisco (Ferry Building) and Tiburon, vehicles, passengers in vehicles and freight on vehicles.

7. Between San Francisco (Hyde Street) and Sausalito, vehicles, passengers in vehicles, freight on vehicles, deck freight and foot passengers.

8. Between San Francisco (Hyde Street) and Berkeley pier, vehicles, passengers in vehicles, freight on vehicles, and deck freight.

9. Between San Francisco (wharf near Ferry Building) and Vallejo, vehicles, passengers in vehicles, freight on vehicles, deck freight and foot passengers.

STOCKTON TRANSPORTATION COMPANY

(Elmer M. Gormsen and H. E. Hansen,  
copartners)

An "on call" freight service between Delta points, and between Delta points on the one hand and Stockton and San Francisco on the other hand.

SUCCESS TOWAGE AND TRANSPORTATION COMPANY

(Mrs. Adelia Peterson, an individual)

Salt in quantities of 30,000 pounds or more from Lower San Francisco Bay points to San Francisco.

H. A. TROBERG

A certificated right to operate the gasoline Motor Boat Frank Lawrence for the transportation in "on call" service of hay, in lots of not less than 100,000 pounds, between points on the Sacramento and San Joaquin Rivers and their tributaries west of Sacramento and Stockton on the one hand, and San Francisco, Oakland, Alameda, Berkeley, Petaluma and intermediate points on the other hand.

VEHMEYER TRANSPORTATION CO. OR COMPANY

(R. H. Vehmeyer)

An "on call" service for the transportation of:

1. Property between Delta points, and between Delta points on the one hand and Stockton and Sacramento on the other.

2. Grain in lots of not less than 80,000 pounds between Delta points and Stockton on the one hand and San Pablo Bay points on the other, and from Delta points to Petaluma.

3. Grain in lots of not less than 20,000 pounds from Stockton to San Francisco and Oakland.

4. Lumber in lots of not less than 20,000 feet board measure, and bags in any quantity, from San Francisco to Stockton.

WEYL-ZUCKERMAN AND COMPANY  
(Merchants Transportation Company,  
a corporation)

An "on call" service for the following transportation:

1. Property, between Delta points, and between Delta points and Stockton.

2. Potatoes and onions (in lots of not less than 20,000 pounds), from Delta points to San Francisco and Oakland.

3. Carrots, from Delta points to San Francisco and Oakland.

4. Barley (in lots of not less than 20,000 pounds), from Delta points to San Francisco.

5. Fertilizer (in lots of not less than 20,000 pounds), from San Francisco to Delta points.

6. Bags, from San Francisco to Delta points.

M. S. DOROTHEA (Wood & Seitz)  
(P.F.Wood and R.W.Seitz, copartners)

An "on call" service for the following transportation:

1. Property, between Delta points, and between Delta points on the one hand and San Francisco, Oakland, Berkeley, Richmond, Stockton and Sacramento on the other hand.

2. Tanbark, between Delta points and Alameda.

3. Coal, hay, straw, lumber, onions and potatoes (in lots of not less than 20,000 pounds), between Delta points and Alameda.

4. Bags, between San Francisco and Stockton.