

Decision No. 28868.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of  
DELTA TUG CO., an unincorporated asso-  
ciation, for permit to operate vessels  
for the transportation of freight for  
compensation between points on the in-  
land waters of the State of California.

ORIGINAL

Application No. 20480.

Rufus H. Kimball, for applicant.

A. L. Whittle for Southern Pacific Company, Petaluma &  
Santa Rosa Railroad Company, and Northwestern Pacific  
Railroad Company.

H. S. Graham, for Petaluma & Santa Rosa Railroad Company,

McCutchen, Olney, Mannon & Greene, by F. W. Mielke, and  
L. I. McKim for The River Lines.

BY THE COMMISSION:

O P I N I O N

William G. Wright and L. M. Dervin, doing business as Delta Tug Company, seek a permit under the For-Hire Vessel Act to operate vessels for the transportation of agricultural implements, bags, bagging, fertilizer, grain, grain products, hay and straw between certain specified points on San Francisco Bay and tributary bays and rivers.

A public hearing was had at San Francisco before Examiner E. S. Williams.

Applicants state that the proposed operation will be private in character and will be confined to transportation under contracts with three shippers, Golden Eagle Milling Company, F. Salz and Son, and Frankheimer Bros. William C. Wright testified that applicants do

not operate as a common carrier of property by vessel between the points or over the whole or any portion of the route for which the for-hire permit is sought.

A description of the equipment to be used in said service is marked Exhibit A and attached to the amended application. The points between which applicants propose to operate, the commodities to be transported, the rates to be charged and the rules and regulations governing the proposed service are specified in Exhibit B, as amended, attached to said application.

Protests were made by Southern Pacific Company, Northwestern Pacific Railroad Company, Petaluma and Santa Rosa Railroad Company and The River Lines, but were withdrawn upon the filing by applicant of an amended application modifying the scope of the proposed operation and changing the proposed rates.

The Commission, in the matter of the Application of Bay Shore Freight Lines, Inc., 39 C.R.C. 243, construing the For-Hire Vessel Act, held that a permit must issue to any private carrier whose application (1) complies with the requirements of the Act, (2) who proposes to operate on the inland waters of the state vessels of the type provided by the Act, and (3) whose proposed operations are not over the whole or any part of any route operated by it as a common carrier.

Upon consideration of all the facts of record, we are of the opinion and find that the proposed service conforms to these requirements and that the application should be granted.

#### O R D E R

This matter having been duly heard and submitted,  
IT IS HEREBY ORDERED that a permit issue to applicants

William G. Wright and L. M. Dervin, doing business as Delta Tug Company, to operate "Barge No. 1," "Barge No. 3" and the motor boat "Yolo" as for-hire vessels for the transportation of the commodities and between the points set forth in Appendix "A" attached hereto and by this reference made a part hereof, for Golden Eagle Milling Company, F. Salz and Son, and Frankheimer Bros., subject to the following conditions:

1. Applicants shall file their written acceptance of the permit herein granted within a period of not to exceed fifteen (15) days from date hereof.
2. Applicant shall file in duplicate with their acceptance of the permit and on not less than five (5) days' notice to the Commission and the public, a tariff containing rates and rules which in volume and effect shall be identical with the rates and rules set forth in amended Exhibit B to the amended application or rates and rules satisfactory to this Commission.
3. Applicants shall file with the above a description of the barges "Barge No. 1" and "Barge No. 3" and the motor boat "Yolo."
4. This permit and the rights and privileges exercisable thereunder shall not be sold, leased, transferred nor assigned unless the written consent of the Railroad Commission to such sale, lease, transfer or assignment has first been obtained.

The effective date of this order shall be twenty (20) days from the date hereof.

Dated at San Francisco, California, this 27<sup>th</sup> day of July, 1937.

Walter H. Hare  
Francis A. Allen  
Robert W. Hare  
Commissioners.

APPENDIX "A"

<u>Commodity</u>	<u>From</u>	<u>To</u>
Agricultural Implements, viz.: Tractors, Ploughs, Harrows Harvesters, Corn Shellers.	Stockton	San Joaquin Delta Sacramento Delta
Bags and Bagging	San Francisco Bay Terminals Sacramento Stockton	San Joaquin Delta Sacramento Delta
	San Francisco Bay Terminals	Stockton Sacramento
Grain and Grain Products, viz.: Rolled Barley	Stockton	San Joaquin Delta
Grain and Grain Products, viz.: Flour	Stockton	San Joaquin Delta Sacramento Delta
Grain and Grain Products, viz.: Mill Feed (wheat mixed feed consisting of bran, shorts or middlings)	San Francisco Bay Terminals	Stockton
Grain and Grain Products, viz.: Grain, whole	Stockton	San Joaquin Delta Sacramento Delta Port Costa South Vallejo Petaluma San Francisco Bay Terminals
	San Joaquin Delta	San Francisco Bay Terminals Petaluma Port Costa South Vallejo Sacramento Stockton
	South Vallejo Port Costa	San Francisco Bay Terminals Stockton

<u>Commodity</u>	<u>From</u>	<u>To</u>
Grain and Grain Products, viz.: Grain, whole (concluded)	South Vallejo Port Costa	Port Costa South Vallejo
Fertilizer	San Francisco Bay Terminals	Stockton Sacramento San Joaquin Delta Sacramento Delta
	Stockton	San Joaquin Delta Sacramento Delta Petaluma
Hay and Straw	Stockton	San Joaquin Delta
	San Joaquin Delta	San Francisco Bay Terminals Petaluma Sacramento Stockton
	Sacramento Delta	San Francisco Bay Terminals Petaluma Sacramento Stockton

The term "San Francisco Bay Terminals" when used in this appendix refers to the following:

**San Francisco, California**

All wharves, docks and piers within the City of San Francisco on the mainland San Francisco Bay side from the Presidio on the north to the San Francisco-San Mateo County line on the south.

**Oakland, California**

All wharves, docks and piers located in Oakland between the Key Route mole and the Western Pacific mole; and on the Oakland side of the Oakland Estuary between the Western Pacific mole and the Fruitvale Avenue Bridge.

**Alameda, California**

All wharves, docks and piers within the city limits of Alameda on the Alameda side of the Oakland Estuary, between the Southern Pacific mole and the Fruitvale Avenue Bridge.

**Berkeley Municipal Wharf.**

**Richmond, California**

All wharves and docks located within the city limits of Richmond from Point San Pablo to the Inner Harbor, both inclusive.

The term "San Joaquin Delta" when used in this appendix refers to the following:

All landings on navigable waters tributary to the San Joaquin River below Stockton, as hereinafter described, and above Antioch but not including landings on Georgiana Slough and landings on Three Mile Slough.

The term "Sacramento Delta" when used in this appendix refers to the following:

All landings on navigable waters in the territory west of the Sacramento River having outlet into the Sacramento River above Collinsville, also landings on Georgiana Slough and landings on Three Mile Slough located between the Sacramento River and Seven Mile Slough.