

Decision No. 28986

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, Sacramento 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 Bornholdt, R. J. Osborn, J. Bornholdt, Vehmeyer Transportation Co. or Company, R. E. Vehmeyer, Freighters, Inc. and Jim Wilder.

Case No. 4012

ORIGINAL

BY THE COMMISSION;

FIRST SUPPLEMENTAL ORDER AND ORDER DENYING PETITIONS  
FOR REHEARING, RECONSIDERATION AND MODIFICATION

By Decision No. 29778 of May 24, 1937, in the above entitled proceedings, the Commission defined the operative rights of persons engaged in transportation as common carriers by vessel upon the inland waters of the State. Thereafter, Bay Transport Company, Crowley Launch & Tugboat Company, Petaluma and Santa Rosa Railroad Company, The River Lines, H. A. Troberg and Rio Vista Lighterage Company, Inc., filed petitions seeking rehearing, reconsideration and modification of said order in various particulars.

The Commission has carefully considered said petitions and each and every allegation therein contained and is of the opinion that they and each of them should be denied except to the extent indicated in the ordering paragraphs hereof. Therefore, good cause appearing,

IT IS HEREBY ORDERED that Appendix A of Decision No. 29778 be amended by substituting the following paragraph for the paragraph defining the operative rights of Bay Transport Company:

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

IT IS HEREBY FURTHER ORDERED that said Appendix A be amended by adding the following paragraph under the heading "PETALUMA AND SANTA ROSA RAILROAD COMPANY (a corporation)":

"3. A prescriptive right to transport grain and mill stuff in 'on-call' service between Vallejo and Petaluma, in lots of not less than 80,000 pounds."

IT IS HEREBY FURTHER ORDERED that said Appendix A be amended by substituting the following paragraph for the paragraph defining the operative rights of 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, within the following territory:

- (a) between points on the Sacramento and San Joaquin Rivers and tributaries west of Sacramento and Stockton on the one hand, and San Francisco, Oakland, Alameda, Berkeley, Petaluma and intermediate points on the other hand;
- (b) between points on San Francisco, San Pablo and Suisun Bays and their tributaries below the confluence of the Sacramento and San Joaquin Rivers, not including local traffic between San Francisco and Petaluma, provided, however, that hay originating at points outside of San Francisco may be diverted from San Francisco to Petaluma upon the same vessel, without unloading at San Francisco."

IT IS HEREBY FURTHER ORDERED that in all other respects the petitions of Bay Transport Company, Crowley Launch & Tugboat Company, Petaluma and Santa Rosa Railroad Company, The River Lines, H. A. Troberg and Rio Vista Lighterage Company, Inc., be and they are hereby denied.

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

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

July, 1937.

*Malcolm H. Brown*

*Frank R. Brown*  
*Ray E. Brown*

Commissioners.