

Decision No. 21729

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
BERKELEY TRANSPORTATION CO., a cor-)
poration, for a permit to operate)
"For-Hire Vessels" for the transpor-)
tation of property for compensation)
between points on the inland waters)
of the State of California.)

Application No. 21729

ORIGINAL

Gwyn H. Baker, for applicant.
McCutcheon, Olney, Mannon & Greene, by F. W. Mielke,
for The River Lines.
A. L. Whittle, for Southern Pacific Company as their
interest may appear.
N. E. Keller, for Pacific Portland Cement Co.

BY THE COMMISSION:

O P I N I O N

Applicant seeks a permit to operate "for-hire vessels" on the inland waters of California between Redwood City on the one hand and San Francisco, Oakland, Alameda, Berkeley, Yerba Buena Island and Golden Gate International Exposition Site (Treasure Island) on the other hand, for the transportation for compensation of cement, gypsum, shells and mineral fertilizer. It alleges (1) that the service proposed is that of a private carrier under a single contract with the Pacific Portland Cement Company; (2) that the proposed operation will not be over the whole or any part of any route over which it now operates as a common carrier;¹ and (3) that while the equipment to be used in the proposed operation may also at times be employed in its common carrier service, it has available sufficient equipment properly to perform both these operations. Applicant pro-

¹ In Operative Rights of Inland Water Carriers 40, C.R.C. 493, decided May 24, 1937, the Commission found that the Berkeley Transportation Company possessed a common carrier operative right to transport property between San Francisco on the one hand and Berkeley, Emeryville and San Quentin Prison on the other hand and property in "on call" service between San Francisco and Oakland.

poses to use a barge having a carrying capacity of 450 tons and the tug "Halcyon" and to charge for the transportation of the commodities involved a rate of 75 cents per ton on lots of not less than 100 tons nor more than 200 tons. On shipments weighing over 200 tons applicant proposes to assess a rate of 75 cents per ton for the first 200 tons and 50 cents per ton on the weight over 200 tons. These rates do not include loading or unloading services, tolls or terminal charges.

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

N. E. Keller, Traffic Manager of Pacific Portland Cement Company, testified that there was a verbal understanding between his company and applicant that all business shipped by said company by water between the points involved would be tendered to applicant for transportation at the rates provided in applicant's tariff.

No one opposed the granting of the application.

Upon consideration of all the facts of record, we are of the opinion and find that the operation proposed by applicant is private in nature, that the application conforms to the requirements of the For-Hire Vessel Act, that the proposed operation will not be conducted over the whole or any part of a route operated by applicant as a common carrier, and that the operation will be between points exclusively on the inland waters of the State of California. The application will be granted.

O R D E R

This matter having been duly heard and submitted,
IT IS HEREBY ORDERED that a permit be and it is hereby issued to Berkeley Transportation Co., a corporation, to operate one barge having a carrying capacity of 450 tons and the tug "Halcyon" as for-hire vessels for the transportation of cement, gypsum, shells

and mineral fertilizer between Redwood City on the one hand and San Francisco, Oakland, Alameda, Berkeley, Yerba Buena Island and Golden Gate International Exposition Site (Treasure Island) on the other hand for Pacific Portland Cement Company, subject to the following conditions:

1. Applicant shall file with the Commission in duplicate and make effective within a period not to exceed twenty (20) days from the date hereof on not less than two (2) days' notice to the Commission and the Pacific Portland Cement Company, a tariff containing rates which shall be identical with the rates set forth in the application, or rates and rules satisfactory to the Railroad Commission.

2. Applicant shall not operate any for-hire vessel or vessels other than those covered by this permit unless and until a description of said vessel or vessels shall have been filed with the Commission and said permit amended to authorize such operation.

3. This permit, or any amendment or supplement thereto, shall not be sold, assigned, leased, transferred or otherwise be disposed of unless the written consent of the Railroad Commission to such sale, assignment, lease, transfer or disposition shall have first been obtained.

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

Dated at San Francisco, California, this 12th day of

June, 1938.

Walter W. [Signature]
Frank [Signature]
Frank [Signature]
W. B. [Signature]
W. L. [Signature]
Commissioners.