

Decision No. 31090

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of  
BAY TRANSPORT COMPANY for an Order  
authorizing it to cease operation as  
a common carrier, intrastate only,  
within the State of California. )  
Application No. 22050

In the Matter of the Application of  
BAY TRANSPORT COMPANY for an Order  
permitting it to operate "For-Hire  
Vessels" under the FOR-HIRE VESSEL  
ACT (Statutes 1933, Chapter 223). )  
Application No. 22051

BY THE COMMISSION:

OPINION AND ORDER

In Application No. 22050, filed June 23, 1938, applicant seeks authority to discontinue its common carrier intrastate operations as heretofore found to exist in Decision No. 29778 dated May 24, 1937, in Case No. 3824. In Application No. 22051, filed on the same date, it asks for a permit to operate "for-hire vessels" under the For-Hire Vessel Act (Chapter 223, Statutes of 1933).

Applicant alleges in Application No. 22050 that in the past it has engaged in the transportation of property as a common carrier for but one party only, namely, California and Hawaiian Sugar Refining Corporation, Ltd. and that by Application No. 22051 it seeks to perform transportation services for that company as a "for-hire vessel" carrier and that the service to be performed will be the same in every respect as that now performed by it as a common carrier except that it will no longer participate in certain joint intrastate rates.

Applicant proposes to transport sugar and refinery supplies generally between Crockett and San Francisco and to transport sugar from Crockett to other bay points. Such commodities, points to be served and the proposed rates are specifically set forth in Exhibit "A" attached to Application No. 22051.

The granting of the application to discontinue common carrier operation will not deprive the public of means of transportation as the territory is served by other carriers.

It appears that these are matters in which a public hearing is not necessary and that these applications should be granted.

Therefore, good cause appearing,

IT IS HEREBY ORDERED that Bay Transport Company is hereby authorized to abandon common carrier intrastate operations on the inland waters of the State of California between Crockett and San Francisco and from Crockett to Oakland, Richmond and Mare Island and to cancel in conformity with the rules of this Commission, all tariffs and time schedules, subject, however, to the following conditions:

(1) Applicant shall give not less than ten (10) days' notice to the public of said abandonment by posting notices at each terminus of its operations.

(2) Applicant shall, within thirty (30) days thereafter, notify this Commission in writing of the abandonment of its intrastate common carrier operations as herein authorized and of its compliance with the conditions hereof.

(3) The authorization 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.

IT IS HEREBY FURTHER ORDERED that a permit issue to applicant Bay Transport Company, effective on the date of discontinuing its common carrier intrastate service as authorized in the preceding paragraph of this order, to operate "for-hire vessels" upon the inland waters of this state, subject to all the terms and conditions of the For-Hire Vessel Act (Chapter 223, Statutes of 1953), for the transportation of sugar and refinery supplies between San Francisco and Crockett and sugar from Crockett to Mare Island, Oakland and Richmond.

IT IS HEREBY FURTHER ORDERED that such permit be and it is hereby made subject to the following conditions:

1. Applicant shall file its written acceptance of the permit herein granted within a period of not to exceed forty-five (45) days from the date hereof.

2. Applicant shall file in duplicate with its acceptance of the permit a tariff containing rates and rules which in volume and effect shall be identical with the rates and rules set forth in Exhibit "A" attached to Application No. 22051.

3. Applicant shall file a description of the vessels to be used under the authority of this permit.

4. This permit and the rights and privileges exercisable thereunder may not be leased, transferred or assigned unless the consent of this Commission thereto has first been secured.

This order shall become effective twenty (20) days from the date hereof.

Dated at San Francisco, California, this 7<sup>th</sup> day of July, 1938.

[Handwritten Signature]

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[Handwritten Signature]  
COMMISSIONERS