

Decision No. 31235

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of BAY AND RIVER NAVIGATION COMPANY for an order permitting it to operate "For-Hire Vessels" under the For-Hire Vessel Act (Statutes 1933, Chapter 223), and for an order consenting to the transfer to BAY AND RIVER NAVIGATION COMPANY from BAY TRANSPORT COMPANY of the permit and the rights and privileges exercisable thereunder granted said Company under Decision No. 31090 by the Railroad Commission of the State of California.

ORIGINAL

Application No. 22163

BY THE COMMISSION:

OPINION AND ORDER

By this application, as amended, Bay Transport Company seeks authority to transfer and Bay and River Navigation Company (a corporation) seeks authority to acquire the "for-hire vessel permit" issued to the former in Decision No. 31090 of July 27, 1938, in Application No. 22051. Said permit authorizes the transportation of sugar and refinery supplies between Crockett and San Francisco, and of sugar from Crockett to Richmond, Oakland and Mare Island, such transportation to be conducted exclusively for the American-Hawaiian Sugar Refining Corporation, Limited.

If the transfer be authorized, Bay and River Navigation Company proposes to perform transportation for the American-Hawaiian Sugar Refining Corporation, Limited, similar to that now being performed by Bay Transport Company, with the wooden hull steamers "Crockett", "Dauntless" and "Frances" (which steamers are now being operated by Bay Transport Company) and with the diesel propelled steel barge "Komuku"

now under construction.<sup>1</sup> It further proposes to perform this transportation at rates, rules and regulations identical with those now contained in Bay Transport Company's Local Tariff No. 1, C.R.C. No. 10.<sup>2</sup>

Applicants submitted as Appendix "C" to the application a signed statement of the California-Hawaiian Sugar Refining Corporation, Limited, containing its assent to the granting of the application. In addition, common carriers serving the points here involved have been notified of this application and have advised the Commission by letter that they have no objection to the granting thereof.

According to the application, the proposed operation will be substantially the same as that now being rendered by Bay Transport Company; it will be private in nature; and the vessels to be used in the conduct of the proposed service are of the type specified in the For-Hire Vessel Act. It appears therefore that this is not a matter in which a public hearing is necessary and that the proposed transfer should be authorized.

Therefore, good cause appearing,

IT IS HEREBY ORDERED that Bay Transport Company be and it is hereby authorized to transfer to Bay and River Navigation Company the "for-hire vessel" permit issued to Bay Transport Company in Decision No. 31090 of July 27, 1938, in Application No. 22051, and that Bay and

<sup>1</sup> The following is a brief description of these craft:

	Steamer "Crockett"	Steamer "Dauntless"	Steamer "Frances"	"Komuku"
Length	221 feet	190 feet	174 feet	183.6 feet
Breadth	46 "	36 "	38 "	40 "
Depth	8 "	8 "	8 "	9 "
Gross Tonnage	893 tons	497 tons	580 tons	698 tons
Net Tonnage	463 "	295 "	332 "	328 "
Cargo Capacity	650 "	560 "	530 "	1096 "

<sup>2</sup> The tariff provides a rate of 75 cents per ton, minimum weight 15 tons, for transportation between Crockett and San Francisco and from Crockett to Richmond and Oakland. It names a rate of 75 cents per ton, minimum weight 100 tons, for transportation from Crockett to Mare Island. In addition, it contains a scale of class rates for transportation between San Francisco and Crockett, based upon varying minimum weights.

River Navigation Company be and it is hereby authorized to acquire said permit and to operate "for-hire vessels" upon the inland waters of this state for the transportation of sugar and refinery supplies between San Francisco and Crockett, and sugar from Crockett to Richmond, Oakland and Mare Island, subject to all the terms and conditions of the For-Hire Vessel Act (Chapter 223, Statutes of 1933), and subject to the following conditions:

1. Bay Transport Company and Bay and River Navigation Company shall, on or before fifteen (15) days from the effective date of this order, on not less than five (5) days' notice to the Commission and to the public, unite in common supplement to Bay Transport Company's Tariff No. 1, C.R.C. No. 10, on file with the Commission, Bay Transport Company on the one hand withdrawing, and Bay and River Navigation Company on the other hand adopting the tariff as its own.
2. Bay and River Navigation Company shall not operate any for-hire vessel or craft other than those described in Appendix "E" to the application herein unless a description of said vessel or craft shall have been filed with the Commission and the permit herein authorized to be transferred amended to authorize such operation.
3. The permit herein authorized to be transferred to Bay and River Navigation Company may not be subsequently sold, leased, transferred, assigned or otherwise disposed of unless the written consent of the Commission to such sale, lease, transfer, assignment or disposition has first been secured.

This order shall become effective five (5) days from the date hereof.

Dated at San Francisco, California, this 16<sup>th</sup> day of

September, 1938.

Ray Bradburn  
Leon G. Wheeler  
Robert A. Miller  
Ray L. Riley  
Commissioners