

Decision No. 32631

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the Application of )  
BERKELEY TRANSPORTATION COMPANY, a )  
corporation, for authority to tem- )  
porarily substitute motor vehicle )  
equipment in lieu of vessel equipment )  
between Berkeley and San Francisco. )

**ORIGINAL**

Application No. 23169

BY THE COMMISSION:

O P I N I O N

Applicant Berkeley Transportation Company, a corporation, is now engaged in the business of transporting property for hire by vessels and barges over the inland waters of the state of California as a common carrier, and as a for-hire, vessel operator. Included in such operations applicant is transporting property for hire as a common carrier by boats and barges between San Francisco and Berkeley, as well as between other points not involved herein, under operative rights as set forth in the Commission's Decision No. 29778, dated May 24, 1937, in Cases No. 3824 and No. 4012.

Applicant herein proposes to operate automotive equipment in lieu of vessel equipment between its Berkeley dock and its San Francisco dock, temporarily, during the existence of the present San Francisco waterfront strike, and requests a certificate of public convenience and necessity therefor.

As justification for the temporary authority sought applicant alleges substantially as follows:

That strike conditions presently existing at the San Francisco waterfront have had the effect of reducing the amount of tonnage transported by applicant to such an extent that such

tonnage as is offered to applicant is not sufficient to cover the cost of operating vessel equipment. That applicant believes and therefore alleges that said adverse effect upon its business will continue unabated throughout the period of the existing strike conditions, and that applicant has no means of knowing how long said strike conditions will obtain. That unless this application be granted, the conditions herein referred to will eventually have the effect of destroying the business of applicant. That if this application is granted applicant will be enabled to render a more complete and satisfactory service and, therefore, better serve the public.

In view of the circumstances alleged by applicant, we are of the opinion that the authority requested is in the public interest and it will be granted. A public hearing is not necessary.

#### O R D E R

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA HEREBY DECLARES that public convenience and necessity require the establishment and operation, for a temporary period only, by Berkeley Transportation Company, a corporation, of automotive equipment as a highway common carrier of property between the docks of applicant located at San Francisco and at Berkeley, under tariffs now on file with the Commission, over routes via either San Francisco - Oakland Bay Bridge or Southern Pacific - Golden Gate vehicular ferries.

IT IS ORDERED that a certificate of public convenience and necessity therefor is hereby granted to Berkeley Transportation Company, a corporation, subject to the following conditions:

1. The authority herein conferred shall expire and become void, with or without notice, at the discretion of the Commission and in any event it shall expire and become void upon the termination of the strike now in effect along the San Francisco waterfront.

2. When applicant is able to resume normal operation of its vessel equipment between the points involved herein, it shall immediately notify the Commission, in writing.
3. Applicant shall immediately file a written acceptance of the certificate herein granted.
4. Applicant shall amend its tariffs so as to provide that the rates for the service herein authorized will be those now provided in applicant's tariffs for the transportation of like property by vessel.
5. The authority herein granted is limited to service to be performed by automotive equipment in lieu of, and not in addition to, service by vessel equipment.

IT IS FURTHER ORDERED that applicant during the period of the temporary authority herein granted may suspend operation of its vessel service between its San Francisco dock and its Berkeley dock.

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

Dated at San Francisco, California, this 11<sup>th</sup> day of December, 1939.

Raymond W. ...  
Frank ...  
Ray ...

COMMISSIONERS