

Decision No. 1332843

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of AMERICAN TOLL-BRIDGE COMPANY, a Delaware Corporation, and CALIFORNIA TOLL BRIDGE AUTHORITY, an Agency of the State of California, for Order Authorizing Sale of Public Utility Property.

ORIGINAL

Application No. 23670

BY THE COMMISSION:

OPINION AND ORDER

Applicant American Toll Bridge Company, a private corporation owning and operating the Carquinez and Antioch toll bridges across the Sacramento River, here seeks the Commission's authority to dispose of those utility properties to an agency of the State of California. The California Toll Bridge Authority is the State agency empowered by law to acquire and operate such highway structures. Both join in a verified application reciting that the Toll Bridge Authority, by action duly taken pursuant to the laws governing that body, has entered into an agreement for the purchase of these two bridge structures, together with all necessary approaches, easements, franchises, fixtures and facilities. They pray, therefore, that the Commission issue its order permitting the consummation of such sale agreement.

Although this Commission is empowered to approve or disapprove the transfers of public utility properties, the scope of its inquiry when an entire utility property is to be transferred to a public agency is limited to the question of whether the utility may hence-

forth be fully relieved of its public service obligations. In the instant case, we must take cognizance of the declared policy of the State expressed in the California Toll Bridge Authority Act (Stats. 1929, p. 1489) to the effect that all toll bridges ultimately shall be owned by the public. We must recognize, too, that the State agency created by that statute has been vested with exclusive authority to determine the expediency or necessity for the public acquisition of any existing bridge. Under such circumstances, the Commission believes that the application must be granted. And inasmuch as the acquisition and operation of these bridges by the State could not deprive any existing patrons of the right to their continued use, it would appear that a public hearing on the application would serve no useful purpose.

It is appropriate to add that such agreement between the American Toll Bridge Company and the State authorities provides also for the possible future transfer of Martinez-Benicia Ferry and Transportation Company properties to such municipal or private corporation as the State later may designate. However, the granting of the application here before us would in no way commit the Commission to a like course of action should approval be sought for a conveyance of those ferry properties.

Accordingly, the following Order will be entered.

O R D E R

The Commission having considered the application of American Toll Bridge Company, and being of the opinion that the application should be granted and that a public hearing thereon is not required; therefore,

IT IS ORDERED that authority be and hereby is granted to

American Toll Bridge Company, a corporation, to sell and convey to California Toll Bridge Authority on or before December 31, 1940, the two toll bridges known as the Carquinez and Antioch bridges, together with the franchises, easements and other properties described in its application herein, and concurrently to cease its public utility operation of said bridges.

The effective date of this Order shall be twenty days from the date hereof.

Dated at San Francisco, California, this 17th day of September, 1940.

Ray L. Riley
Ralph W. Johnson
M. L. K. M.
Justus J. Quensen
Commissioners.