

ORIGINAL

Decision No. 33763

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of AMERICAN TOLL BRIDGE COMPANY, a Delaware Corporation, MARTINEZ-BENICIA FERRY AND TRANSPORTATION COMPANY, a California Corporation, CITY OF BENICIA, a Municipal Corporation, CITY OF MARTINEZ, a Municipal Corporation, for Order Authorizing Sale of Public Utility Property.

Application No. 23670

BY THE COMMISSION:

SUPPLEMENTAL OPINION AND ORDER

By Decision No. 33463 of September 3, 1940, American Toll Bridge Company was permitted to convey its Carquinez and Antioch bridges to the California Toll Bridge Authority. Its contract then made with the State provided also for the future conveyance of the utility ferry properties of its subsidiary corporation, the Martinez-Benicia Ferry and Transportation Company, the contract providing for a further conveyance of such properties either to the City of Benicia or the City of Martinez as the State Department of Public Works might nominate, upon approval of the Railroad Commission.

A supplemental application of American Toll Bridge Company is now presented, joined in by both the City of Benicia and the City of Martinez, as well as the Martinez-Benicia Ferry and Transportation Company, reciting that arrangements have now been completed for the acquisition and future operation of such ferry prop-

erties by the City of Martinez and asking the Commission to make its order permitting such transfer as of 12:00 o'clock midnight, December 31, 1940.

The Commission is of the opinion that the requested authority should be granted, and that a public hearing upon the application is not required. As the existing ferry service is to be owned and operated by one of the cities most directly affected, it is evident that applicant ferry company may properly be fully relieved of its public utility obligation.

O R D E R

The Commission having considered the supplemental application of American Toll Bridge Company and Martinez-Benicia Ferry and Transportation Company, and being of the opinion that the application should be granted, therefore,

IT IS ORDERED that authority be and hereby is granted to Martinez-Benicia Ferry and Transportation Company, a corporation, to sell and convey to the City of Martinez all of the property used and useful in the conduct of its public utility ferry service, together with the franchises, easements, leases, and other properties described in the inventory attached to the supplemental application herein, said conveyance to be made as of 12:00 o'clock midnight, December 31, 1940, and concurrently to cease said public utility ferry operations.

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

Dated at San Francisco, California, this 26<sup>th</sup> day of December, 1940.

*Ray L. Riley*  
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*Frank J. ...*  
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*A. B. ...*  
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Commissioners