

Decision No. 23843

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of THE RIVER  
LINES (The California Transportation Company and  
Sacramento & San Joaquin River Lines, Inc.) for  
a certificate of public convenience and necessity  
authorizing an alternative highway common carrier  
truck service between certain San Francisco Bay  
points on the one hand and Martinez, Pittsburg,  
Antioch and Rio Vista on the other hand.

**ORIGINAL**

Application  
No. 23843

McCUTCHEEN, OLNEY, MANNON & GREENE, by  
F. W. Mielke, for Applicant.

DECOTO, HARDIN & WORTZ, by Ezra W. Decoto,  
for Pete Rampone, doing business as  
Rampone Bros. and William Dinelli,  
Interested Parties.

WILLARD S. JOHNSON, for Valley Motor Lines, Inc.  
and Valley Express Co., Interested Parties.

REGINALD L. VAUGHAN, for Inter-Urban Express  
Corporation, Interested Party.

RILEY, Commissioner:

O P I N I O N

The River Lines, by the above-entitled application,  
request a highway common carrier certificate authorizing them to  
transport property between San Francisco and Oakland, on the one  
hand, and Martinez, Pittsburg, Antioch and Rio Vista, on the  
other hand, as an alternative service to that which they now  
render between such points principally by vessel.

Public hearing was held on such application at San  
Francisco on January 30 and February 4, 1941. Evidence was  
introduced and the matter duly submitted.

Applicants are engaged in the operation of vessels as  
common carriers of persons and property on the inland waters of

2  
the State. They also have been granted authority to operate certain highway common carrier services all but one of which are alternative to vessel operations. The River Lines presently operate two vessels between San Francisco Bay points and Sacramento. They transport traffic between San Francisco Bay points and Rio Vista by vessel and between Rio Vista and other points on the Sacramento River below Sacramento by truck. Freight is transported between San Francisco Bay points and Pittsburg by vessel and from Pittsburg to Martinez and Antioch by truck.

If this application is granted, The River Lines propose to operate the alternative truck service requested between San Francisco and Rio Vista via the San Francisco - Oakland Bay Bridge to their terminal at Oakland, then along U. S. Highway No. 40, through San Pablo, Pinole and Hercules, then along State Highway No. 4 through Glen Frazier, Martinez, Port Chicago, Pittsburg and Antioch, then along State Highway No. 24 to Rio Vista. Service will be performed daily except Sundays and holidays. However, no service will be rendered at San Pablo, Pinole, Hercules, Glen Frazier and Port Chicago, nor locally between San Francisco, Oakland and Alameda, nor locally between Martinez, Pittsburg, Antioch and Rio Vista.

Applicants intend to provide by tariff rule that shipments to be transported between San Francisco Bay points and Martinez, Pittsburg, Antioch and Rio Vista may be carried by truck instead of vessel at their option. The River Lines contemplate operating the same schedules at the times and rates now prevailing merely substituting the truck operation for that of the vessels.

If the alternative truck operation is authorized, applicants intend to discontinue the operation of one of their

vessels. The evidence of record indicates that it costs The River Lines approximately \$42,000 per year to operate such vessel. A witness for applicants estimated that the annual cost of operating the truck service would be about \$14,900. Hence, a net reduction in operating expenses of approximately \$27,000 would result from institution of the alternative service. The vessel remaining in service will be used primarily to transport carload merchandise.

Pete Rampone, doing business as Rampone Bros., William Dinelli, Inter-Urban Express Corporation, Valley Motor Lines, and Valley Express Co., through their respective counsel, entered appearances at the hearing as interested parties. No protests against the granting of the application were made. However, representatives of Inter-Urban and Valley asked that the certificate, if granted, be conditioned upon the continuation of vessel service by applicants in such a manner that if The River Lines abandoned vessel operations the right to perform highway common carrier service would terminate also. Applicants' attorney stipulated The River Lines would not object to such a condition being made a part of any certificate granted herein.

Rampone Bros. is engaged in hauling fresh fruits and vegetables between the delta region and the bay area. The attorney for Rampone Bros. expressed the fear that if applicants were granted the alternative truck right they would become competitors as to the vegetable and fruit traffic. Applicants disavowed any intention of attempting to enter such field of transportation and stipulated that without prior approval of the Commission they would not establish either with their own equipment, or in conjunction with any highway carrier, through routes or through service for the transportation of fresh fruits and

vegetables other than potatoes and onions in sacks from farms or fields to San Francisco or Oakland.

Full consideration of the evidence leads to the conclusion that the granting of this application is in the public interest and, accordingly, the application will be granted.

O R D E R

Public hearing having been held in the above-entitled proceeding, the Commission being fully apprised in the premises, and it being found as a fact that public convenience and necessity so require,

IT IS ORDERED that a certificate be and it is granted hereby to The River Lines authorizing them to operate as a highway common carriers as that term is defined in section 2-3/4 of the Public Utilities Act, between San Francisco and Oakland, on the one hand, and Martinez, Pittsburg, Antioch and Rio Vista, on the other hand, said operation being subject to the following conditions:

- (a) The service herein authorized shall be contingent upon applicants continuing the operation of boat service. In the event such boat service is discontinued the certificate herein granted will become void and will have no further force or effect.
- (b) Without prior approval of the Commission, applicants shall not establish or maintain under this certificate, either by means of their own motor vehicles or in conjunction with a highway carrier as said term is defined in the Highway Carriers' Act, any through route or through service for the transportation of fresh fruits and vegetables other than potatoes and onions in sacks from places and points of origin on farms or in fields to San Francisco or Oakland.

IT IS FURTHER ORDERED that in the operation of said highway common carrier service pursuant to the foregoing certificate The River Lines shall comply with and observe the following service regulations:

1. File written acceptance of the certificate herein granted within a period of not to exceed thirty (30) days from the date hereof.
2. Subject to the authority of this Commission to change or modify such at any time by further order, conduct said highway common carrier operation over and along the following described route:

Between San Francisco and Rio Vista, generally via U. S. Highway No. 40, over the San Francisco - Oakland Bay Bridge, through Oakland, San Pablo, Fincle and Hercules, generally via U. S. Highway No. 4 through Glen Frazier, Martinez, Port Chicago, Pittsburg and Antioch, generally along State Highway No. 24 to Rio Vista and returning via the reverse of the above route with the option to use any appropriate route or routes within and immediately adjacent to municipalities.

3. File in triplicate and concurrently make effective within a period not to exceed sixty (60) days from the effective date of this order, on not less than five (5) days' notice to the Commission and the public, a tariff or tariffs constructed in accordance with the requirements of the Commission's General Order, and containing rates, rules and regulations which in volume and effect shall be identical with the proposed rates, rules and regulations shown in the exhibits attached to Application No. 23843, in so far as they conform to the certificate herein granted, or rates, rules and regulations satisfactory to this Commission.
4. File in triplicate and make effective within a period not to exceed sixty (60) days from the effective date of this order, on not less than five (5) days' notice to the Commission and the public, time schedules covering the service herein authorized in a form satisfactory to this Commission.

The foregoing opinion and order are hereby approved and ordered filed as the opinion and order of the Railroad Commission of the State of California.

*MEM*

*March*

~~February~~, 1941.

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

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COMMISSIONERS