

ORIGINAL

Decision No. 23652.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of H-10 WATER TAXI COMPANY, LTD., in connection with the Certificate of Public Convenience and Necessity to operate vessels for the transportation of freight and passengers for compensation between points and to construe and enlarge the provisions of Certificate of Public Necessity and Convenience, Decision #25668, on Application #18612 now held by the Applicant hereunder.

Application No. 23652.

In the Matter of the Application of DE LUXE WATER COMPANY, a California corporation, in connection with the Certificate of Public Convenience and Necessity to operate vessels for the transportation of freight and passengers for compensation between points and to construe and enlarge the provisions of Certificate of Public Necessity and Convenience, Decision #26214, Application #18774, now held by the Applicant hereunder.

Application No. 23653.

James E. Pawson, for both applicants.

Lillick, Geary, McHose & Adams, by James L. Adams, for Harbor Water Taxi Company, protestant.

Charles A. Bland, for the Board of Harbor Commissioners, Long Beach, interested party.

H. O. Marler, for Pacific Electric Railway Company, interested party.

CRAEMER, Commissioner:

OPINION AND ORDER

The above numbered applications, filed by the H-10 Water Taxi Company, Ltd., and the De Luxe Water Taxi Company, Inc., respectively, ask the Commission to construe the provisions of previous certificates issued to these two operators.

Public hearing in the matters was held at Los Angeles and it was stipulated that the two applications would be consolidated for the purpose of receiving evidence, as well as for decision. The matters were duly submitted and are now ready for determination.

Application No. 23652

By the provisions of Decision No. 25668, dated February 27, 1933, in Application No. 18612, the H-10 Water Taxi Company was granted a certificate of public convenience and necessity for the operation of motor boats and vessels between the Fifth Street ferry landing, the Twenty-second Street landing at San Pedro and all vessels lying at anchor within Los Angeles Harbor. At the time this certificate was issued the Los Angeles Harbor breakwater had been constructed for a distance of 2.11 miles, but the application recited that the Federal government had appropriated a sum of \$7,000,000 for the extension of the breakwater a distance of 2.37 miles. At the time the original certificate was issued, the only safe anchorage for ships was in that area protected by the 2.11 miles of breakwater but, upon completion of the additional breakwater, the entire area encompassed became and is now available for anchorage.

Reference to maps of Los Angeles Harbor and vicinity indicates that the boundary line between the City of Los Angeles and the City of Long Beach extends in a general northwesterly and southeasterly direction from the approximate center of Terminal Island and intersects the new breakwater at a point approximately one mile from the westerly end. This boundary, in theory at least, establishes a line between the Los Angeles Outer Harbor and the Long Beach Outer Harbor. As a practical fact, however, there is no such

line of demarkation and it is conceivable that a vessel could drop its anchor on the exact line between the two harbors and, with the tide flowing in one direction, the ship might be entirely within the Los Angeles Harbor, while, at the turn of the tide, the ship would swing about and be located entirely within Long Beach Harbor. Strict interpretation of the Commission's decision, granting the H-10 Water Taxi Company a certificate to operate between shore points and vessels anchored in Los Angeles Outer Harbor, therefore would permit the operation by H-10 Water Taxi Company to said ship while the tide was flowing in one direction, but would preclude such operation to the same ship after the tide had turned. It is inconceivable that it was the Commission's intention at the time of the issuance of this decision that any such restriction should be imposed and, conversely, it appears obvious that it was the Commission's intention that this operation would be conducted from shore points at the Fifth Street ferry landing and the Twenty-second Street landing to vessels anchored not in the Los Angeles Harbor area, but in the Los Angeles-Long Beach Harbor area. Witnesses familiar with maritime practices testified that, in referring to the Outer Los Angeles Harbor, it was not the custom to differentiate between Los Angeles Harbor and Long Beach Harbor but that the reference encompassed the entire outer harbor area enclosed within the breakwater.

In view of the conditions as above related, it appears that the certificate issued to the H-10 Water Taxi Company should be clarified by substituting the name "Los Angeles-Long Beach Harbor" for "Los Angeles Harbor," wherever the latter name appears in said certificate.

Application No. 23653

Decision No. 26214, dated August 7, 1933, on Application No. 18774, granted to the De Luxe Water Taxi Company, Inc. a certificate of public convenience and necessity for the operation of motor boats and vessels "from piers and landing places in the City of Long Beach to vessels of the United States Navy and other merchant vessels that may be anchored in Long Beach Harbor." The identical circumstances which have been described in detail in this opinion in discussing the application of H-10 Water Taxi Company were prevalent at the time of the issuance of this decision to the De Luxe Water Taxi Company and it does not appear necessary that they should be again repeated. The same reasoning which impelled the conclusion that the H-10 certificate should be clarified can be applied in the case of the De Luxe Water Taxi Company and, pursuant to this reasoning, the name "Long Beach-Los Angeles Harbor" should be substituted for "Long Beach Harbor" wherever the latter name appears in said certificate.

The following Order will provide for the above mentioned amendments to the certificates originally issued by the Commission.

O R D E R

Public hearing having been held and the Commission being fully advised;

IT IS HEREBY ORDERED:

I. That the declaration and order in Decision No. 25668, dated February 27, 1933, on Application No. 18612, are hereby amended to read as follows:

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA
HEREBY DECLARES that public convenience and necessity

require the operation by H-10 Water Taxi Company, Ltd. of motor boats and vessels between Fifth Street Ferry Landing, Twenty-second Street Landing and all vessels of the United States Navy or other vessels lying at anchor within Los Angeles-Long Beach Harbor for the transportation of passengers and packages, and

IT IS HEREBY ORDERED that a certificate of public convenience and necessity be and the same is hereby granted to H-10 Water Taxi Company, Ltd., a corporation, for the operation of motor boats and vessels between Fifth Street Ferry Landing, Twenty-second Street Landing and all vessels lying at anchor in Los Angeles-Long Beach Harbor, for the carriage, for compensation, of passengers and packages.

II. That the declaration and order in Decision No. 26214, dated August 7, 1933, on Application No. 18774, are hereby amended to read as follows:

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA HEREBY DECLARES that public convenience and necessity require the operation by De Luxe Water Taxi Company, Inc., a corporation, of motor boats and vessels between landing points in the City of Long Beach and vessels of the United States Navy when anchored in Long Beach-Los Angeles Harbor, and for the transportation of passengers and freight to such vessels or to other merchant vessels when anchored in said Long Beach-Los Angeles Harbor, and

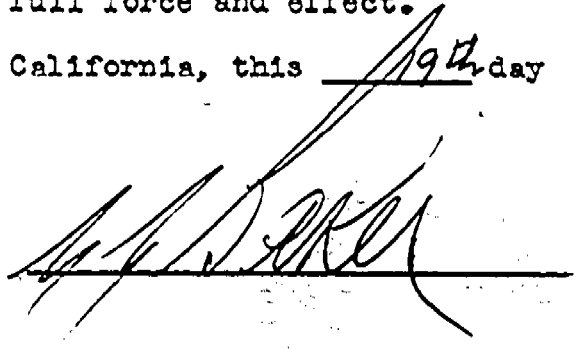
IT IS HEREBY ORDERED that a certificate of public convenience and necessity be and the same is hereby granted to De Luxe Water Taxi Company, Inc., a corporation, for the operation of motor boats and vessels for the transportation of passengers and freight from piers

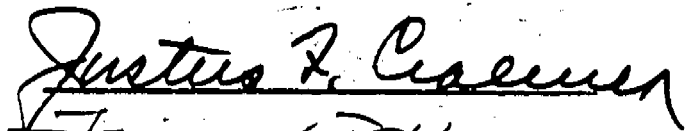

and landing places in the City of Long Beach to vessels
of the United States Navy and other merchant vessels that
may be anchored in Long Beach-Los Angeles Harbor.

IT IS HEREBY FURTHER ORDERED that each applicant shall
file, in triplicate, within sixty (60) days from the date of this
order and on not less than one (1) day's notice to the Commission
and the public, rates and fares for the service herein authorized.

Except for the amendments above set forth, Decisions
Nos. 25668 and 26214 shall remain in full force and effect.

Dated at San Francisco, California, this 19th day
of August, 1941.



Commissioners