

ORIGINAL

Decision No. 34809

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
MRS. M. S. LAURITZEN, administratrix)
of the estate of H. P. Lauritzen,)
G. B. LAURITZEN and N. P. BUSH, a)
co-partnership doing business as)
RICHMOND NAVIGATION & IMPROVEMENT)
CO. for a new certificate in lieu)
of the present certificate issued)
to H. P. LAURITZEN, G. B. LAURITZEN)
and N. P. BUSH, a co-partnership)
doing business as RICHMOND NAVIGATION)
& IMPROVEMENT CO.)

Application No. 24611

In the Matter of the Application of)
MRS. M. S. LAURITZEN, administratrix)
of the estate of H. P. Lauritzen,)
G. B. LAURITZEN and N. P. BUSH, a)
co-partnership doing business as)
RICHMOND NAVIGATION & IMPROVEMENT)
CO. for temporary authority to)
substitute motor truck service in)
place of water service performed)
by MV. MAGGIE.)

BY THE COMMISSION:

O P I N I O N

By this application Mrs. M.S. Lauritzen (administratrix of the estate of H. P. Lauritzen, deceased), G. B. Lauritzen and N. P. Bush, a co-partnership doing business as Richmond Navigation & Improvement Co., seek an order of the Commission granting them (1) an in-lieu certificate of public convenience and necessity to operate as a common carrier by vessel between San Francisco and Richmond, and (2) temporary authority to substitute motor truck service for vessel service between San Francisco and Richmond.

Richmond Navigation & Improvement Co is a common carrier by vessel engaged in the business of transporting property between

San Francisco and Richmond. The late Captain H. P. Lauritzen conducted the operations of the company by means of a motor vessel "Maggie," together with a tug and several barges. On November 24, 1941, according to the application, the Superior Court of Contra Costa County appointed Mrs. M. S. Lauritzen as special administratrix of the estate of her late husband and she has been authorized to continue the business of the Richmond Navigation & Improvement Co. as a co-partnership during the pendency of probate proceedings on the will of her late husband.

The application further alleges that the "Maggie" must be placed in dry dock for the purpose of installing a new propeller shaft, repairing and painting the hull, and other work found necessary upon inspection by the U. S. Steamboat Service's Inspector of Hulls. It is estimated that these repairs will take approximately thirty to forty-five days to complete. The "Maggie" will be put in dry dock on December 2, 1941. It is asserted that the volume and character of traffic which has been transported by the "Maggie" cannot be handled on the company's barges and that after careful and diligent inquiry, the company has been unable to obtain any vessel to replace the "Maggie" during the time it is undergoing repairs.

The applicant seeks to suspend its vessel service as a common carrier between San Francisco and Richmond during the time its vessel is out of service and to substitute highway common carrier service in lieu of vessel service during the period of such suspension. The company now owns and operates automotive equipment as a city carrier in and about Richmond and these vehicles would be utilized in the proposed highway common carrier service which would be conducted via the San

Francisco-Oakland Bay Bridge. No changes in its tariffs or time schedules are sought by the applicant and service will be limited solely to operation between the terminal points which the applicant is now authorized to serve by vessel.

This is not a matter in which a public hearing is necessary. No other common carriers by vessel now operate exclusively between San Francisco and Richmond. The authority here sought should not, during the brief period of substituted service, unduly infringe upon the competitive operations of other highway common carriers between those points. We are of the opinion and find that the applicant should be granted (a) an in-lieu certificate of public convenience and necessity authorizing the new co-partnership to operate as a common carrier by vessel between San Francisco and Richmond in lieu of the old co-partnership, and (b) authority to suspend common carrier vessel service for a temporary period of sixty days and substitute temporary highway common carrier service during said period of suspension.

O R D E R

Based upon the foregoing opinion of the Commission and the finding that public convenience and necessity so require,

IT IS ORDERED that Mrs. M. S. Lauritzen (administratrix of the estate of H. P. Lauritzen), G. B. Lauritzen and N. P. Bush, a co-partnership doing business as Richmond Navigation & Improvement Co., be and they are hereby granted an in-lieu certificate of public convenience and necessity for the transportation of property as a common carrier by vessel between San Francisco and Richmond, in lieu of operative authority heretofore exercised by H. P. Lauritzen, N. P. Bush and G. B. Lauritzen, doing business as Richmond Navigation & Improvement Co.

IT IS FURTHER ORDERED that Mrs. M. S. Lauritzen, G. B. Lauritzen and N. P. Bush, doing business as Richmond Navigation

& Improvement Co., be and they are hereby authorized to suspend common carrier vessel service between San Francisco and Richmond for a period of sixty days ending January 31, 1942.

IT IS FURTHER ORDERED that Mrs. M. S. Lauritzen, G. B. Lauritzen and N. P. Bush, doing business as Richmond Navigation & Improvement Co., be and they are hereby granted a certificate of public convenience and necessity to engage in temporary operation of automotive vehicles as a highway common carrier of property between San Francisco and Richmond for a period ending January 31, 1942.

IT IS FURTHER ORDERED that Mrs. M. S. Lauritzen, G. B. Lauritzen and N. P. Bush, a co-partnership doing business as Richmond Navigation & Improvement Co., shall comply with the following service regulations:

1. File a written acceptance of the in-lieu certificate and temporary operating authority herein granted.
2. File in triplicate on not less than one (1) day's notice to the Commission and the public, an appropriate supplement to tariffs on file with the Commission to provide that the rates for the substituted service herein authorized will be the same as those now set forth in applicants' tariff for the transportation of like property by vessel.
3. The authority herein granted is limited to automotive service to be performed in lieu of vessel service and will become void on January 31, 1942 unless extended by further order of the Commission.
4. The authority herein granted to temporarily substitute motor vehicles for vessel service between the points involved shall not be urged as a measure of proof of public convenience and necessity for the operation of highway common carrier service by the Richmond Navigation & Improvement Co. in the future.

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

Dated at San Francisco, California, this 2nd day of December, 1941.

[Signature]
Ray R. Reilly
Justus F. Coe
Francis D. Stovener
[Signature]
COMMISSIONERS

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