

ORIGINALDecision No. 55023

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation on the Commission's own)
 motion into the nature and extent of)
 all towing services performed by ves-)
 sel operators between points on San)
 Francisco, San Pablo and Suisun Bays,)
 and on the San Joaquin, Sacramento)
 and Napa Rivers and Petaluma Creek)
 and their tributaries.)

Case No. 5368

ORDER DISCONTINUING INVESTIGATION

The order of investigation on the Commission's own motion herein was issued April 14, 1952. This matter was held in abeyance pending disposition of Case No. 5486, River Lines, Inc., v. Crowley, et al. Upon the request of complainant and by reason of the amendment of Sections 238, 239 and 242 of the Public Utilities Code, said Case No. 5486 was dismissed by order of the Commission issued on the same date as this order of discontinuance herein.

Subsequent to the issuance of the order of investigation herein the legislature amended Section 238 of the Public Utilities Code. The amended portions of Section 238, which now reads as follows, have been underlined:

"238. (a) 'Vessel' includes every species of water craft, by whatsoever power operated, which is owned, controlled, operated or managed for public use in the transportation of persons or property, except rowboats, sailing boats, and barges under 20 tons dead weight carrying capacity, and other water craft propelled by steam, gas, fluid naphtha, electricity, or other motive power under the burden of five tons net register.

"(b) Nothing in this code except those provisions relating to the regulation of rates shall apply to the transportation by water carrier of commodities in bulk when the cargo space of the vessel in which such commodities are transported is being used for the carrying of not more than three such commodities. This subsection shall apply only in the case of commodities, in bulk which are loaded and carried without wrappers or containers and received and delivered by the carrier without transportation mark or count. For the purpose of this subsection two or more vessels while navigated as a unit shall be considered to be a single vessel.

"(c) Nothing in this code except those provisions relating to the regulation of rates shall apply to the transportation by water of liquid cargoes in bulk in tank vessels designed for use exclusively in such service."

Good cause appearing,

IT IS HEREBY ORDERED that the order of investigation herein be discontinued.

Dated at San Francisco, California, this 21st day of May, 1957.

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President

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Commissioners