

Decision No. 82420

**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application  
of BIGGE DRAYAGE CO., a corporation,  
for a permit to operate under  
authority of the "For-Hire Vessel  
Act."

Application No. 54196  
(Filed July 23, 1973)

Edward J. Hegarty, Attorney at Law, for applicant.  
William P. Campana, for the Commission staff.

O P I N I O N

After a duly published notice, a public hearing was held October 15, 1973 on this matter in San Francisco before Examiner Bernard A. Peeters.

Applicant seeks a permit under the For-hire Vessel Act (Sections 4501-4652 of the Public Utilities Code) to transport commodities, which by reason of size or weight require special handling or the use of special equipment, and commodities which do not require special handling or the use of special equipment when moving in conjunction with a shipment of commodities which does require special handling or special equipment between all points within the State of California. At the hearing the application was amended to provide that the authority sought would be for transportation between points exclusively on the inland waters of the State of California. Two protests to the application were filed but were withdrawn before the hearing. Applicant presented three witnesses and two exhibits in support of its application.

Applicant is a California corporation organized into three divisions: (1) Trucking, (2) Crane and Rigging, and (3) Marine. It possesses authority from this Commission to operate as a radial highway common carrier and as a highway contract carrier statewide.

It also operates as an irregular route common carrier by motor vehicle in interstate commerce under authority granted by the Interstate Commerce Commission (ICC). Applicant has an application pending before the ICC for contract carrier authority to transport extra-heavy and extra-dimensional commodities by barge between all ports and points along the Pacific Coast and tributary waterways. Hearing on said application was held in San Francisco on September 24 and 25, 1973. The sought for interstate authority will complement the authority herein requested.

In operating its present motor carrier authority and in providing barge transportation under emergency temporary authority granted by the ICC, applicant has developed considerable expertise in the movement of large and heavy commodities both over land and water. From its California terminals, applicant dispatches more than 500 units of trucking equipment along with other specialized equipment, including hoists, rigging girders and trolleys, gin poles, crawler transporters, a crawler-mounted lifting frame, and gantry cranes. This equipment is capable of handling commodities weighing up to 1,200 tons.

In providing these described services with its specialized rigging and drayage equipment, applicant has accumulated considerable skill and experience which will be of benefit to shippers requiring water service to move their large, overweight commodities within the inland waters of California. Applicant's connection with marine operations dates from 1930. It also maintains a complete engineering staff to work on the design and development of new and special equipment to meet the unique transportation requirements of its shippers.

Applicant proposes to operate as an irregular, contract-by-contract basis water carrier to transport commodities which by reason of size or weight require special handling or the use of special equipment, and any other commodities moving in conjunction with the above-described commodities. It will not hold

itself out to serve the public generally, but will provide service only by prearrangement and pursuant to an agreement with a specific company or entity.

Applicant presently owns two non-self-propelled barges described as follows:

<u>Name of Vessel</u>	<u>Type of Construction</u>	<u>Service</u>	<u>Gross Tonnage</u>	<u>Cargo Capacity (short tons)</u>
Bigge No. 1	Steel	Inland waters	565	1,000
Bigge No. 2	Steel	Inland and sea-going	1,255	2,000

Bigge Barge No. 1 is currently on long term lease to the Port of Sacramento and therefore is not available for the proposed service at the present time. Bigge No. 2, which will be used under the authority being sought, is 200 feet in length, 50 feet in breadth, 13-1/2 feet in depth, and weighs 1,255 gross tons with a loaded draft of approximately 10 feet. It is of all welded steel construction, flat bottom, straight sides, flush deck, raked bow, and transom stern. The barge is equipped with 80 special tiedown fittings which are positionable and may be removed for near flush deck operation, and is equipped with a substantial amount of extra equipment giving it a capability which applicant believes is unavailable to shippers from existing carriers of the subject commodities throughout California's inland waterways.

Applicant does not own or operate any tug boats or other motive power to propel the barge it proposes to operate. As the need for such power arises, it shall rent or charter equipment from existing operators. The charges for such rental or charter will become part of the contract between applicant and its shipper.

Appendices 3 and 4 of Exhibit 1 contain the financial statements of applicant. The income statement for the period ending August 31, 1973 shows an operating loss of \$246,679. The August 31, 1973 balance sheet shows total assets of \$7,489,732. Its current assets amounted to \$2,845,525 and current liabilities were \$1,923,391. Total capital and surplus amounted to \$3,032,237.

Appendix 2 of Exhibit 1 contains a brief description of the experience of applicant's principal officers and operating personnel. Its President and Chairman of the Board has been with the company since its founding in 1917. Appendix 5 sets forth applicant's insurance coverages and Appendix 9 sets forth the proposed rules, regulations, and rates applicable to the proposed service. Applicant's Traffic Manager testified that his company does not currently operate as an intrastate vessel common carrier over the whole or any part of the inland waters of California for which it requests permit authority.

Kaiser Steel Corporation's Manager of Transportation testified on behalf of applicant. He testified that his company has used applicant's truck services in the past and that his company has a present need for heavy-duty barge service to move steel towers and pressure vessels from its plant at Napa for installation at oil refineries located in Richmond and Benecia. It is the manager's opinion that the granting of this application is most important for Kaiser in that when bidding certain contracts it could predetermine the availability of applicant to participate in the transportation and be assured on a contract-by-contract basis of competent specialized handling and movement of oversize and overweight iron and steel products. It is Kaiser's intention to utilize applicant's barge service if this application is granted.

The Traffic Manager of Consec Division of Chamberlin Manufacturing (steel fabricators), San Leandro, also testified on behalf of applicant. He stated that his company has used applicant on every major movement of unusual size or weight items; that there is a need for barge service from his company's plant to Bethlehem Steel across the bay to South San Francisco as well as to the refinery at Richmond; and that there is a need for service to southern California and Humboldt Bay. The Traffic Manager stated that he would use applicant's service exclusively if they receive a for-hire vessel permit.

The evidence in support of the application meets the statutory requirements and the application should be granted.

After consideration the Commission finds that:

1. Application No. 54196 complies with Section 4533 of the Public Utilities Code.
2. Applicant proposes to serve all points and places on the inland waters in this State with a non-self-propelled vessel, as defined in Section 4507 of the Public Utilities Code, for the transportation of commodities, which by reason of size or weight require special handling or the use of special equipment, and commodities which do not require special handling or the use of special equipment when moving in conjunction with a shipment of commodities which by reason of size or weight requires special handling or the use of special equipment.
3. The granting of the permit will not have an adverse impact on the environment.

The Commission concludes that the permit sought should be granted subject to the conditions contained in the following order.

O R D E R

IT IS ORDERED that:

1. A for-hire vessel permit is issued to Bigge Drayage Co., Ltd. authorizing it to operate "Bigge Barge No. 2", a non-self-propelled steel barge of 1,255 tons gross weight between points and places on the inland waters of California for the transportation of commodities, which by reason of size or weight require special handling or the use of special equipment, and commodities which do not require special handling or the use of special equipment when moving in conjunction with a shipment of commodities which by reason of size or weight requires special handling or the use of special equipment.

2. In providing service pursuant to the permit herein granted, applicant shall comply with and observe the following service regulations:

- a. Within thirty days after the effective date hereof, applicant shall file a written acceptance of the permit granted.
- b. Within one hundred twenty days after the effective date hereof, applicant shall establish the service authorized and file tariffs, in triplicate, in the Commission's office as set forth in Appendix 9 to Exhibit No. 1.
- c. The tariff filings shall be made effective not earlier than ten days after the effective date of this order on not less than ten days' notice to the Commission and the public, and the effective date of the tariff filings shall be concurrent with the establishment of the service authorized.
- d. The tariff filings made pursuant to this order shall comply with the regulations governing the construction and filing of tariffs set forth in the Commission's General Order No. 117-Series.
- e. Applicant shall maintain its accounting records on a calendar year basis in conformance with the applicable Uniform System of Accounts or Chart of Accounts as prescribed or adopted by this Commission and shall file with the Commission, on or before March 31 of

each year, an annual report of its operations in such form, content, and number of copies as the Commission, from time to time, shall prescribe.

The effective date of this order shall be twenty days after the date hereof.

Dated at San Diego, California, this 5th day of FEBRUARY, 1974.

Vernon L. Spencer  
President  
William J. Symmes  
William J. Symmes  
William J. Symmes  
William J. Symmes  
Commissioners